

# The HPCSA and I

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The Health Professions Council of South Africa (HPCSA) is a statutory body. A statutory body is set up by law. It is there to make sure that the laws are enforced. The Health Professions Council of South Africa makes sure that the Health Laws of South Africa are followed by all health professionals registered with it. The HPCSA as we know it was established in terms of the [Health Professions Act 56 of 1974](#) (hereafter I will refer to it as the Act)

For a reader friendly version of the Act, you can look at <https://www.acts.co.za/health-professions-act-1974/index.html>

There are various Acts that have relevance to our professions, but for the sake of this article, we will focus on the Health Professions Act only.

The HPCSA regulates health professionals in South Africa as prescribed in the Act. Only professionals who meet the HPCSA's standards for their training, professional skills and behaviour will be registered. It has the power to institute disciplinary action regarding any complaint, charge or allegation of unprofessional conduct against any person registered with Council. If a registered practitioner bends or break the rules and regulations as laid down by Council, or as stipulated in the Health Professions Act, the practitioner will be subject to a disciplinary process in terms of these regulations. (We will look at this process in another issue.) They can also prosecute those who pretend to be registered.<sup>(2)</sup>

To demonstrate, let's say a dental assistant who is registered with the HPCSA, is reported for doing a scale and polish. This procedure does not fall within the scope of practice of an assistant. A process of investigation will follow, the matter will be referred to the Committee of Preliminary Enquiry which will either impose a fine or refer the more serious matters to Council. If the assistant is found guilty, she (and her employer) will be fined or she might be struck off the roll, but she will not have a criminal record.

Should a similar scenario take place, but the person doing the scale and polish is a qualified oral hygienist **not** registered with the HPCSA, the case will be handed over to the police and if found guilty, the hygienist will have a criminal record. It is therefore crucial to make sure your registration is up to date at all times. Use [iRegister](#) for confirmation.

*Note: The HPCSA makes it your responsibility to check that you are registered*

## **Election of Council**

There are twelve Professional Boards that operate under the jurisdiction (rule or authority) of the HPCSA. Our professions fall under the Professional Board for Dental Therapy and Oral Hygiene (PBDOH). The Board is currently in the process of changing its name to add the dental assistants.

According to the Act, Council consists of:

- At least one representative from each Board - up to a maximum of 16 persons.

Depending on the number of professionals registered under the specific Board, more persons may represent the Board on Council. Let's say for example that there are 5000 hygienists, therapists and assistants registered with our Board, but 70 000 Emergency Care workers are registered under the Professional Board for Emergency Care. Their Board will have more representatives on Council than we have. The Chairperson of our board, Dr Ahmed Muslim, represents our professions on Council.

The Minister of Health (hereafter the Minister) will appoint the following:

- one person in the employment of the Department of Health,
- nine community representatives not registered in terms of this Act,
- one person versed in law
- three persons appointed by the SA University Vice Chancellors' Association.
- one person from SA Military Health Services, appointed by the Minister of Defence

- one person in the employment of the Department of Education appointed by the Minister of Education.

The Act also provides a strict framework to guide on matters such as meeting procedures, filling of vacancies, appointment of the registrar and staff, how to elect a President and vice-president for Council as well as various committees etc.

The mandate of the HPCSA is to protect the public and guide the professions. It is important to remember that although it is compulsory to register with the HPCSA, it is not their responsibility to protect the professions. Professional associations like OHASA, DENTHASA, DAASA and SADA will look after the interests of the professions. Membership to these Associations is not compulsory. It is to the benefit of the profession and professionals to join your professional association and every professional is encouraged to become active in the local branches of the Associations. One of the functions of an Association is to act as the representative of the professionals when dealing with the professional boards.

## **Duties and responsibilities of Council**

The Act states the following as functions of Council:

- To co-ordinate the activities of the Professional Board and to act as an advisory and communicatory body for the Professional Boards
- To regulate and promote collaborations between different professions that will benefit the public.
- To determine policies in line with the national health policy as determined by the Minister - looking at matters such as finance, education, training, registration, ethics and professional conduct, disciplinary procedures, scope of professions, interprofessional matters and maintenance of professional competence.
- To consult and liaise with relevant authorities on matters affecting the professional bodies.
- To assist in the improvement of health of the general public.
- To actively encourage communication in the field of education and training of the professions both local and overseas and to keep education standards in line with international trends.
- To advise the Minister on any matters falling under the scope of this act
- To communicate matters regarding public health to the Minister

- To serve and protect the public with regards to services rendered by the professionals registered under the Act
- To exercise its powers and discharge its responsibilities in the best interest of the public and in line with the Minister's national health policy.
- To uphold and maintain professional and ethical standards within the health professions
- To ensure complaints against professionals are investigated and the appropriate disciplinary steps are taken to protect the public
- To ensure that registered professionals behave towards the users of health services in such a manner that it respects their constitutional rights to human dignity, bodily and psychological integrity and equality and to discipline professionals that fail to do so.

Council reports to the Minister on various matters of importance.

### **Establishing professional boards**

The Minister shall, on the recommendation of the council, establish a professional board with regard to any profession which is registered with the HPCSA

The Minister has the power to change the setup of a professional board or establish a new board. Take for example: dentists are currently registered under the ambit of the Medical and Dental Board. If the Minister sees the need, he has the power to restructure and create a new professional board that covers all oral health professionals.

### **The role of the professional boards are;**

- To communicate with other Boards and authorities on matters that affect the Board
- To assist in the promotion of health of the public on a national base.
- To control and to exercise authority in respect of all matters affecting the education and training of persons training for the relevant professions.
- To promote communication, locally and internationally, with regards to education and training to keep the standard of health services in line with the rest of the world.
- To make recommendations to Council to advise the Minister on any matters that relates to the professions falling under the ambit of the Board to keep in line with universal norms and standards of the profession- with special

emphasis on professional practice, democracy, transparency, equity, accessibility and community involvement.

- To make recommendations to the council and the Minister on matters of public importance
- To maintain and enhance the dignity of the profession and the integrity of the professionals
- To guide the profession to protect the public.

### **The professional board has the power to:**

- remove or restore a name from the register
- set board exams (like the ones currently available for dental assistants), appoint examiners and moderators, set the exam fees and grant certificates for the exams.
- set standards and approve training facilities.
- consider any matter affecting the profession and make recommendations or take necessary action as the professional board deems advisable.
- consider applications by persons with foreign qualifications and make recommendations on criteria for registration (e.g. writing a board exam or working in supervised practice)
- establish a joint standing committee with another professional board or boards.
- Perform any functions that may be needed to fulfil the requirements of the Act.

To illustrate it in a very simplistic manner:

Should there be a matter of concern regarding oral hygiene, the professionals will communicate with OHASA, OHASA will discuss it with the professional board, the board will make recommendations to Council and Council will advise the Minister on recommended changes.

### **Rules regarding registration.**

Section 17(5) of the Act states:

**Any person who is not registered in terms of this Act and practises a health profession in contravention of this section or who pretends to hold such registration is guilty of an offence and on conviction is liable to a fine or to**

**imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment.** <sup>(3)</sup>

No person may practice in South Africa as a health professional if he or she is not registered with the HPCSA as prescribed by the Act.

If a professional would like to be registered, he/she should apply to the Registrar of the HPCSA and supply the needed proof of qualification, identity and good character. These requirements will be different for dental assistants applying for the first time. Guidelines can be downloaded from <http://www.hpcsa.co.za/PBDentalTherapy/Registration>

It is crucial to ensure that your registration fees are paid up-to-date and your registration is in order. The annual payment is due before April 1<sup>st</sup>.

To improve the service the HPCSA offers, it has launched an on-line payment portal with the following benefits:

- Practitioners will be able to go through the renewal process online;
- Practitioners will make annual fee payments and other outstanding amounts, as invoiced, online;
- Practitioners will be able to download an electronic practitioner card including an encrypted QR code, which when scanned, will reveal much more information about the practitioner than is currently the case, with real-time validation;
- Practitioners who prefer the printed format will be able to print their HPCSA registration details from the system;
- Practitioners will be able to view, verify and confirm, or update their contact details, as they renew their membership, or at any time through this portal;
- The portal allows the practitioner to view their qualification(s) and registration details, and where required, send a service request for queries.

Section 40 addresses the penalties for ignoring or breaking the rules around registration.

Any person who is not registered in respect of any other health profession, but-

- a) Pretends to be so registered in respect of such profession; or
- b) uses any name, title, description or symbol indicating, or calculated to lead persons to infer that he or she is the holder of any qualification which by rule under this Act is recognised by the relevant professional board as acceptable for registration in respect of such profession, but of which qualification he or she is not the holder; or
- c) Uses any name declared by regulation to be a name which may not be used,

shall be guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding five years, or to both a fine and such imprisonment. <sup>(3)</sup>

Section 19 (1) (d) allows the Registrar to suspend a practitioner for non-payment of annual fees. Such practitioner will be suspended from the register and will only be reinstated upon paying the outstanding annual fee amount together with a penalty as outlined in the regulations.

The Act requires from the Registrar to keep a detailed record every person registered as well as the category he/ she is registered in.

Section 18 (3) reads:

**Every registered person who changes his or her contact details shall in writing notify the registrar thereof within thirty days after such change.** <sup>(3)</sup>

Make use of the new portal to ensure your records are up to date:

<https://practitionerssso.hpcsa.co.za/identity/login?signin=9ea18c3ee771b126c2f7489439d2ad4c>

The professional board may recommend that the Registrar remove a professional's name from the register for any of the following reasons:

1. If the professional did not respond within three months after the Registrar has sent an enquiry by certified mail to the registered address
2. If the person asked the Registrar to remove his/her name. The Registrar may ask for an affidavit to prove there are no possible criminal cases of unprofessional conduct cases pending against him/her.
3. Persons who failed to pay their annual fee within three months of the due date - April 1<sup>st</sup>.
4. If a student's name has been removed from the records of the university/ training institutions he /she attends.

5. If a person has been registered in error or fraudulently.
6. If a person has been found guilty of unprofessional conduct

The Act prescribes that the Registrar notifies the professional by certified mail about his/ her removal from the register. (Section 19 (2))

As from the day of notification, the registration card will become invalid and the person will not be allowed to practice his/her profession any longer.

Should a person want to register again, he/she must apply on the correct form for restoration of his/her name, pay the required fee and comply with the professional board's requirements.

See <http://www.hpcs.co.za/PBDentalTherapy/Registration> for more details.

### **Registration fees**

The professional boards draw up an annual budget. Registration fees are calculated according to this budget. For many years oral hygienists have been complaining about the high registration fees. This is due to the lower number of registered professionals. The PBDOH assures us they are continually trying to reduce their expenses to keep registration fees as low as possible.

In terms of Section 62 (4) of the Health Professions Act, 1974 (Act No. 56 of 1974) practitioners may be exempted from paying annual fees for the following reasons:

- Exemption due to ill-health – Should you no longer be practicing your profession due to ill health, you may be exempted from payment of the annual fee. A medical report, issued by a medical practitioner, must accompany such application. The application should reach HPCSA offices before 1 April 2017.
- Exemption due to age – Exemption from paying the annual fee may be granted from the year in which you turn 71, if you turn 71 before 1 April .

## Ethical Rules and Guidelines

Council has issued a set of ethical rules and guidelines to guide professionals to serve the public to the best of their ability. Please read [booklet 1](#) and [2](#):

A full list of guidelines are available at <http://www.hpcsa.co.za/conduct/Ethics>

Let us work together to ensure healthy smiles for the future



Question time:

1. The HPCSA was established
  - a. Under instruction of the President of South Africa
  - b. Under instruction of the Minister of Health
  - c. In terms of the Health Professions Act
2. A statutory body
  - a. Regulates a specific group of people
  - b. Has more power than Parliament

- c. Acts independently from government
3. If a professional registered with the HPCSA contravenes the regulations, he/she will have a criminal record.
- a. True
  - b. False
4. Professionals may nominate candidates to serve on Council
- a. True
  - b. False
5. Choose the incorrect answer (5&6):
- Council will
- a. assist in the improvement of health of the general public.
  - b. promote communication, locally and internationally, with regards to education and training to keep the standard of oral health services in line with the rest of the world.
  - c. advise the Minister on any matters falling under the scope of this act
6. The professional board will
- a. advise the Minister on any matters falling under the scope of this act
  - b. maintain and enhance the dignity of the profession and the integrity of the professionals
  - c. promote communication, locally and internationally, with regards to education and training to keep the standard of health services in line with the rest of the world.
7. The Minister and Council establish the professional boards
- a. True
  - b. False
8. A registered professional has to notify the registrar of a change of address within
- a. 30 days
  - b. 90 days
  - c. 120 days
9. A person that works as a professional, but does not have the needed qualification may
- a. Get a fine

- b. Be imprisoned
  - c. A&B
10. Non- payment of registration fees may
- a. Incur penalties
  - b. Lead to removal of the register
  - c. A&B
11. According to the Act, a professional must be notified by regular mail if his/her name has been removed from the register.
- a. True
  - b. False
12. The new payment portal on the HPCSA website does not allow you to
- a. Update records online
  - b. Change category of registration
  - c. go through the renewal process online
13. Once a practitioner's name has been removed from the register, it can only be restored with the Minister's permission.
- a. True
  - b. False
14. Ethical guidelines express duties. A duty is:
- a. an obligation to do something
  - b. refrain from doing something
  - c. A & B
15. Health care practitioners should:
- a. Always have the patient's best interests or well-being as their primary professional duty
  - b. Honour the trust of their patients.
  - c. If they feel that their beliefs might affect the treatment they provide, they must explain this to their patients, and inform them of their right to see another health care practitioner.
  - d. All of the above
16. Health care practitioners have no obligation to provide patients with their medical records since it is confidential.
- a. True
  - b. False

References:

1. <https://www.reference.com/government-politics/statutory-body-4c44ec4e14bc6308#>
2. [www.hpcsa.co.za](http://www.hpcsa.co.za)
3. [https://www.acts.co.za/health-professions-act-1974/17\\_registration\\_a\\_prerequisite\\_for\\_practising](https://www.acts.co.za/health-professions-act-1974/17_registration_a_prerequisite_for_practising)