

**updated**  
**RULES SPECIFYING THE ACTS OR OMISSIONS IN RESPECT OF WHICH**  
**DISCIPLINARY ACTION MAY BE TAKEN BY THE BOARD**

Published under Government Notice No. R. 1746 of August 1983

The Minister of Health and Welfare, in terms of section 29(2) of the Associated Health Service Professions Act, 1982 (Act No. 63 of 1982), approved the rules set out in the Schedule hereto and made by the South African Associated Health Service Professions Board in terms of section 29(1) of the Act.

## SCHEDULE

### CHAPTER 1

#### Definitions

1. In these rules “**the Act**” means the Associated Health Service Professions Act, 1982 (Act No. 63 of 1982), and any expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates -

“**advertisement**” shall mean any written, illustrated, visual or other descriptive material or verbal statement or reference -

- (a) which appears in a newspaper, magazine, pamphlet or other publication;
- (b) which is distributed amongst members of the public;
- (c) which has been fixed on to or appear on walls, windows or boards; or
- (d) which is brought to the attention of members of the public in any other manner whatsoever,

and which is meant to promote a specific practice or a specific practitioner’s techniques or treatment or to make known a specific practitioner’s professional proficiency or knowledge and “**advertising**” has a corresponding meaning;

“**bona fide patient**” shall mean a patient who has at any time previously been treated by the practitioner concerned.

### CHAPTER 2

#### Rules specifying the acts or omissions in respect of which the board may take disciplinary action

2. Subject to the proviso of section 29(1) of the Act, it is hereby determined that the acts or omissions set out in these rules, shall be deemed to be acts or omission in respect of which the board may take disciplinary action in terms of Chapter 3 of the Act.

#### Advertising

3. (1) Subject to the provisions of subrule (2) a practitioner may not -
- (a) advertise;

- (b) express himself in public regarding matters of a health science nature without the permission of the board;
  - (c) permit his name to be used in a professional capacity;
    - (i) in connection with advertisements of medical and/or health science instruments, appliances, dressings, remedies or medicines, beverages, toilet or dietary preparations in the lay press;
    - (ii) as part of the name of a health science practice pursued or managed by a lay person; or
    - (iii) in connection with advertisements or appeals to the public on behalf of a sick benefit society or any other commercial organization.
- (2) The following acts as a practitioner shall not be regarded as advertising:
- (a) A communication to a *bona fide* patient regarding change of address, consultation hours and telephone numbers or the entering into or dissolution of a partnership, provided such communications is enclosed in an envelope and addressed to the patient concerned;
  - (b) a communication to another practitioner informing him or having commenced a practice, provided such communication is enclosed in an envelope and addressed to the practitioner concerned;
  - (c) the publication, in normal print, in an official telephone directory, of his name, profession, residential and professional addresses and telephone numbers, and the name and profession of a partner;
  - (d) the publication of articles of a health nature in professional journals and books in connection with the health science field, mentioning his name and professional qualifications;
  - (e) the divulgence of his views on subjects of a health science nature in the lay press or on radio or on television or by way of a speech or a lecture to a lay audience, mentioning his name, where such practitioner -
    - (i) does not pursue a private practice and is acting as a full-time or part-time health scientific official; and
    - (ii) as an official or member of a health scientific association or of the board acts in such a capacity and on instruction of such association or the board;
  - (f) the use of a name-plate as determined in rule 4 or 5;
  - (g) the use of stationary as determined in rule 6; and
  - (h) the performance of acts as determined in rule 8(2) or 14(3).

### **Name plates**

4. (1) The permanent consulting room of a practitioner shall, and the permanent residence of such practitioner may, be indicated only with a name-plate as determined in this rule, which shall not be larger than 360mm X 250mm and on which only the practitioner's -
- (a) title, initials and surname;
  - (b) registered profession;
  - (c) professional qualification or qualifications, the use of which has been approved by the board in such practitioner's case;
  - (d) telephone number(s); and
  - (e) consulting hours

may appear: Provided that where a practitioner prefers that particulars concerning telephone numbers and consulting hours should not be affixed on to such nameplate, a separate plate, not larger than 360mm X 250mm, indicating the practitioner's telephone number(s) and consulting hours may be affixed directly after such name-plate.

- (2)
    - (a) In the case of an itinerant practice, the practitioner's consulting room shall be indicated only with a name-plate as determined in subrule (1) with the addition of the days on which such practitioner is available at such consulting room.
    - (b) The additional information determined in subparagraph (a) may be indicated on a separate plate or area larger than 360mm X 250mm.
  - (3) Not more than one name-plate may be displayed at each entrance of a building in which a practitioner's consulting room is situated, and one on or next to the door of such consulting room: Provided that with the prior approval of the board a name-plate may be affixed to an outside wall or pillar of such building where such building does not have suitable facilities for the affixing of a name-plate: Provided further with the prior approval of the board the details determined in subrule (1) may be affixed to an outlined space of 360mm X 250mm on a glass window as near as possible to the entrance of the building in which the consulting room is situated, where such building has no facilities for the affixing of a name-plate.
  - (4) Where in the entrance hall or on the floor of a building in which a practitioner's consulting room is situated, there are facilities to indicate the names of the tenants, the practitioner's title, initials, surname and profession may be indicated on such places.
  - (5) A plate with only the initials and surname of a practitioner and a direction indicator on it may be displayed in the corridor of the floor on which a practitioner's consulting room is situated.
5.
    - (1) If a practitioner takes over a practice of another practitioner or if a partner in the practice dies or retires, the name-plate of the predecessor, deceased or retired partner in question may remain displayed for a period not exceeding 12 months from the date of taking over, death or retirement, during which period an indication shall be given on such name-plate of who has taken over the practice.
    - (2) If a practitioner moves to a consulting room at a new address, a notice to that effect indicating the new address of his consulting room may be displayed at his previous address for a period not exceeding 12 months from the date of such moving.

### **Stationery**

6. Only the following information may appear on professional stationery:
  - (a) The initials and surname of the practitioner and/or partner(s)
  - (b) the registered profession and abbreviations in respect of qualifications recognized by the board;
  - (c) addresses and telephone numbers;
  - (d) consulting hours;

- (e) professional associations whereto affiliated;
- (f) registration number.

### **Canvassing**

7. A practitioner may not canvass or tout, either personally or through an agent or in any other manner, for a patient, for himself or for another practitioner

### **Itinerant practice**

8. (1) An itinerant practice may be pursued where a practitioner on a regular basis, which shall be at least once a month, in such practice provides a full and satisfactory service to his patients, similar to the service which he provides in the place where he pursues his main practice.
- (2) In such itinerant practice a practitioner may divulge his intention to visit a place by the use of a *bona fide* letter enclosed in an envelope, addressed to a patient.

### **Financial interest**

9. A practitioner may not -
- (a) (i) accept or insist on any commission or remuneration, pecuniary or otherwise, from manufacturers or dealers in medicines, remedies or any equipment, apparatus, instrument, appliance or material used in the course of his practice or prescribed for patients;
  - (ii) pay or give any commission or remuneration, pecuniary or otherwise, to any person for the recommendation of patients;
  - (iii) accept any commission or remuneration, pecuniary or otherwise, from any person for the recommendation of patients;
  - (b) share any fees charged for a service with any other person other than a partner unless such sharing is commensurate with the scope of such other person's participation in the rendering of such service;
  - (c) have financial interest, whether by way of fixed salary or otherwise, in sick benefit clubs, instructions or associations which canvass members by way of advertisement.

### **Certificates**

10. (1) A certificate requested from a practitioner in his professional capacity may be issued by such practitioner only if he, as a practitioner, as a result of his personal observation or as a result of what the patient has communicated to him, is satisfied that the facts stated in such a certificate are correct.
- (2) Where such certificate is issued merely on communication from a patient or other person, such fact shall be mentioned in such certificate.

### **Professional secrecy**

11. (1) Subject to the provisions of subrule (2), a practitioner may not divulge any information regarding a patient which came to his attention in his professional capacity as a practitioner.
- (2) This rule is not applicable where such information is divulged -
- (a) with the explicit permission -
    - (i) of a major patient;
    - (ii) of the parent or guardian of a minor patient; or
    - (iii) of the surviving spouse or major child of a deceased patient;
  - (b) where instructed thereto by a court of law or where a practitioner is otherwise legally compelled to do so;
  - (c) in the explicit interest of a patient who is not able or who is unfit to grant permission himself.

### **Remedies, apparatus and processes**

12. In practice no use may be made of -
- (a) any form of treatment, apparatus or process which is secret or is claimed to be secret;
  - (b) any apparatus which proves upon investigation by the board to be incapable or fulfilling made in regard to it;
  - (c) diagnostic and treatment methods which do not comply with the accepted standards of the professions as determined by the board from time to time;
  - (d) any acts which is an unacceptable act, standard or method, as from time to time determined by the board and which is brought to the attention of the practitioners.

### **Preventing**

13. A practitioner may not prevent a patient or a person lawfully acting on behalf of the patient, who desires the opinion or treatment of another practitioner or a person referred to in section 31(2)(a) of the Act, from consulting such other practitioner or person.

### **Acts and display**

14. (1) Except in emergencies, a practitioner may not perform a professional act -
- (a) which does not pertain to his registered profession;
  - (b) for which he has insufficient training or experience; or
  - (c) outside his consulting room, except with the prior written consent of the board and subject to such conditions as the board may determine.
- (2) A practitioner may not -
- (a) use consulting rooms with a connection or entrance to any premises or part thereof where any business, trade, occupation or profession other than the profession in respect of which he is registered in terms of the Act, is conducted or practised: Provided that the entrance and corridors of a public building, in which his consulting room is situated, or a connection which may not be used by patients, shall not be regarded as unpermitted connections or thoroughfares;
  - (b) conduct or practise any business, trade, occupation or profession, other than the profession in respect of which he is registered in terms of the Act,

- from his consulting rooms except with the prior written consent of the board and subject to such conditions as the board may determine; or
- (c) without the prior written consent of the board share consulting rooms with any person except a person referred to in rule 15(1)(a)
- (3) A practitioner may display in his consulting room only -
- (a) those certificates, diplomas and degrees relevant to the profession in respect of which he is registered; and
- (b) membership certificates of professional associations whereto he is affiliated.
- (4) A practitioner shall display in his consulting room clearly the registration certificate issued to him in terms of the Act.

### Co-operation

15. (1) Subject to the provisions of subrule (2) a practitioner, in the pursuance of his profession, may not -
- (a) enter into a partnership or, where such partnership exist at the commencement of these rules, maintain such a partnership, with a person who is not -
- (i) registered as a practitioner in terms of the Act –
- (ii) registered as a medical practitioner in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974; or
- (iii) registered in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974, in respect of a supplementary health service profession which is approved by the board as an acceptable profession for the purposes of a partnership;
- (b) co-operate, or enter into or maintain a service contract with a person not authorised in terms of the Act to perform an act specially pertaining to a profession or permit such person to perform such act.
- (2) Subrule (1) shall not be construed to prevent a practitioner from employing a person practising a profession to which a provision of -
- (a) the Pharmacy Act, 1974;
- (b) the Medical, Dental and Supplementary Health Service Professions Act, 1974; or
- (c) the Nursing Act, 1978
- are applicable, or maintaining such employment or co-operation with such person where the object of such employment or co-operation is the performing of an act falling within the scope of such person's profession as intended in the relevant Act and which may legally be performed by him.

### Remedies

16. (1) A practitioner shall be entitled to personally compound, dispense or supply remedies referred to in section 38(1)(i) of the Act which are prescribed by himself, or by another practitioner with whom he is partnership or with whom he is associated as principal or assistant or *locum tenens*, for use by a patient under

treatment of such practitioner or of such other practitioner: Provided that a practitioner shall not be entitled to keep an open shop or pharmacy.

- (2) A practitioner may not manufacture, prepare, store or display any medicines, remedies or substances in the section of his consulting room which is used for -
  - (a) consultation, examination and treatment of patients; or
  - (b) waiting room purposes.