

BOARD NOTICE 510 OF 2023

HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

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

**PROPOSED AMENDMENTS TO THE ETHICAL RULES OF CONDUCT
FOR PRACTITIONERS REGISTERED UNDER THE HEALTH
PROFESSIONS ACT, 1974**

The Health Professions Council of South Africa has, in consultation with the professional boards under sections 49(1) read together with section 61A (2) of the Health Professions Act, 1974 (Act No. 56 of 1974, amended the Ethical Rules of conduct, in the manner as it appears in the schedule below.

GENERAL EXPLANATORY NOTE

[] Words or phrases in bold type square brackets indicate omissions or deletions from existing enactments; and

===== Words or phrases underlined with a solid line indicate insertions in existing enactments.

SCHEDULE

Definitions

1. In this Schedule, Ethical Rules means the Ethical Rules of Conduct for Practitioners Registered Under the Health Professions Act, 1974, published under Government Notice R717 in Government Gazette No. 29079 of 4 August 2006, as amended by Government Notice R68 in Government Gazette No. 31825 of 2 February 2009, Government Notice R654 in Government Gazette No. 33400 of 30 July 2010, Board Notice R26 in Government Gazette No. 36183 of 01 March 2013, Board Notice No. 373 in Government Gazette No. 47632 of 01 December 2022, and any word or expression to which a meaning has been assigned in the Ethical Rules of conduct shall have that meaning.

Amendment of Ethical Rule 1

2. Ethical Rule 1 is hereby amended by the insertion of the following definitions –

“**Multidisciplinary healthcare**” means healthcare delivery that involves multiple health practitioners from different professions of healthcare. The health practitioners often work as a team to provide wholesome healthcare services for the benefit of the patient;

“**Quality healthcare services**” means delivery of health care that is effective, safe and people centered, aimed at achieving desirable outcomes using evidence-based healthcare services to all who could benefit;

“**Appropriate healthcare**” means healthcare delivery which the expected to delivery clinical benefits of care that outweigh the expected negative effects to such an extent that the treatment is justified; and

“**Collaborative practices**” means the practices that occurs when multiple health practitioners, from different professional backgrounds, work together with patients, families, carers and communities to deliver the highest quality of care across settings.”

Amendment of Ethical Rule 7

3. Ethical Rule 7 is hereby amended by the addition of the following sub-rule:

“(6) Notwithstanding anything contained in sub-rules (4) and (5) above, a practitioner may share, charge or receive fees from another practitioner: Provided that in such an instance, there is an express agreement, arrangement or model of rendering multi-disciplinary based health-care services to patients which is structured, which provides high quality health-care services or products, contain costs of rendering health-care services, and enhance access to appropriate healthcare.

Amendment of Ethical Rule 8

4. Ethical Rule 8 is hereby amended by the addition of the following sub-rule:

“(5) Notwithstanding anything contained in this rule, a practitioner may provide health-care services with other registered practitioners, persons registered in terms of the Act, or in terms of any other legislation regulating health professions: Provided that the primary aim will be to enhance the quality of health-care services to patients, and further that there is an express agreement, arrangement or model of rendering multi-disciplinary based health-care services to patients which provides high quality health-care services or products to patients, structured to contain costs, and enhance access to appropriate healthcare.

Substitution of Ethical Rule 8A

5. The following Rule is hereby substituted for Ethical Rule 8A of the Ethical Rules of conduct:

“8A. **Sharing of Rooms** - A practitioner may share his or her rooms with a person registered in terms of the Act, or in terms of any other legislation regulating health professions.

Amendment of Ethical Rule 18

6. Ethical Rule 18 is hereby amended by the substitution for subrule (1) of the following subrule:

“(1) A practitioner shall accept a professional appointment or employment from employers in accordance with a written contract of appointment or employment which is drawn up on a basis which is in the interest of the public and the profession[.] : Provided that, the health practitioner ensures that the employment contract has as its primary aim the enhancement of the quality of health-care services to patients, is structured to contain costs, enhance access to appropriate, high quality health-care services or products to patients, and is not designed to extract profit for the benefit of the practitioner or their employer to the detriment of patients.”

Amendment of Ethical Rule 23A

7. Ethical Rule 23A is hereby amended by –

- (a) the substitution for paragraph (h) of the following paragraph:

“(h) such practitioner annually submit a report to the council with the following supporting information and documents:

- (i) the number of patients referred by him or her or his or her associates or partners to such hospital or health care institution and the number of patients referred to other hospitals in which he or she or his or her associates or partners hold no shares;
- (ii) the agreements concluded in relation to the acquisition and/or ownership of the interests of shares in the hospital or health care institution;
- (iii) how the acquisition of the financial interest is funded and whether there are other ancillary contractual relationships

between all the parties to the transaction or with related parties and entities and if so, the nature of such contractual relationships;

- (iv) policies or peer review protocols for admission of patients into such hospital or health care institution and quality monitoring mechanisms which serve to ensure that practitioners will comply with the ethical rules of council;
- (v) Any other information or document which the council may deem relevant.”

(b) the addition of the following paragraph:

- (i) Health practitioner shall ensure that the criteria above is compliant at all times.

Amendment of Rule 1 of Annexure 8 of the Ethical Rules of Conduct

8. Rule 1 of Annexure 8 is hereby amended by the deletion, in subrule (4), of paragraph (a).

Signed by: Magome Albanos Masike
Signed at: 2023-09-13 14:24:37 +02:00
Reason: Witnessing Magome Albanos Ma



DR. MAGOME MASIKE
REGISTRAR