

BOARD NOTICE 25 OF 2010

Engineering Council of South Africa

ENGINEERING PROFESSION ACT, 2000 (ACT 46 OF 2000)

RULES IN TERMS OF SECTIONS 18(1) (c) and 36

SPECIFIED CATEGORY:
REGISTERED MEDICAL EQUIPMENT MAINTAINERS

The Engineering Council of South Africa, has in terms of sections 18(1) (c) and 36 of the Engineering Profession Act, 2000 (Act 46 of 2000) made the rules set out in the Schedule.

SCHEDULE

Definitions

1. In these rules, and unless the context otherwise indicates, any expression or word to which a meaning has been assigned in the Engineering Profession Act, 2000, (Act no 46 of 2000) bears the same meaning and -

“Registration Committee: Registered Medical Equipment Maintainers” means the registration committee for *Registered Medical Equipment Maintainers* established in terms of section 17 of the Act, and for purposes of these rules, “registration committee” shall have the same meaning;

‘Registered Medical Equipment Maintainer’ means a person registered as such in terms of these rules; *“Registered Person”* means any person registered in any category of registration referred to in section 18(1) (a) (b) (c) of the Act and any person registered as a *Registered Medical Equipment Maintainers* in terms of these rules;

“Specified Category” for purposes of these rules, means the category of registration pertaining to *Registered Medical Equipment Maintainer*, contemplated under section 18(1)(c) of the Act, and established in terms of Rule 2.

“the ACT” means the Engineering Profession Act, 2000 (Act 46 of 2000).

“the register” means a sub-register of Medical Equipment Maintainer, incorporated in a register kept by the Council in terms of section 11(c) of the Act.

ESTABLISHMENT OF SPECIFIED CATEGORY: REGISTERED MEDICAL EQUIPMENT MAINTAINERS

2. A specified category called "*Registered Medical Equipment Maintainers*" is hereby established in terms of section 18(1) (c) of the Act.

REGISTRATION COMMITTEE: REGISTERED MEDICAL EQUIPMENT MAINTAINERS

3. (1) A registration committee to be known as the Registration Committee: Registered Medical Equipment Maintainers are hereby established in terms of section 17(1)(a) of the Act.

Composition of the Registration Committee: Registered Medical Equipment Maintainers

- (2) The Registration Committee consists of 12 persons, appointed by the Council, of whom -
- (a) two shall be registered persons nominated by the Council, who shall have knowledge of the Act, applicable rules, policies, code of conduct and code of practice;
 - (b) one person shall be nominated by the Department of Health, who shall be employed in a senior capacity in that Directorate;
 - (c) two *Registered Medical Equipment Maintainers* shall be nominated by the Clinical Engineering Association of South Africa (CEASA) with experience and knowledge in the manufacture, supply and installation and servicing of medical equipment;
 - (d) one *Registered Medical Equipment Maintainer* shall be nominated by South African Federation of Hospital Engineering (SAFHE);
 - (e) one *Registered Medical Equipment Maintainer* with a background in clinical, electrical or mechanical engineering who shall be nominated by the Association Further Education Training Institution of South Africa (AFETISA);
 - (f) one *Registered Medical Equipment Maintainer* shall be nominated by the Higher Education of South Africa (HESA);
 - (g) two *Registered Medical Equipment Maintainer* shall be nominated by companies active in the imaging field;
 - (h) two *Registered Medical Equipment Maintainers* shall be nominated by companies active in the healthcare industry.

The Registration Committee reserves the right, with approval of the Chief Executive Officer (CEO), to co-opt members on an ad-hoc basis.

Disqualification from Membership of the Registration Committee and Vacation of Office

- (3) (a) A person must not be appointed as a member of the registration committee if the -
- (i) applicable provisions of rule 3(2) of these rules are not complied with;
 - (ii) provisions of section 6(1) (b), (c), (d),(e) and (f) of the Act are not complied with.
- (b) Any member of the registration committee must vacate his or her office if he or she –

- (i) ceases to meet any one or more of the applicable pre-requisites for appointment referred to in rule 3(3)(a);
- (ii) is declared by the High Court to be of unsound mind or mentally disordered or is detained under the Mental Health Act, 1973 (Act No.18011973);
- (iii) has been absent from two consecutive meetings of the committee without its leave;
- (iv) ceases to be formally associated with, in the employ of, or being the recognised representative, as the case may be, of the organisation which nominated him or her in terms of the applicable provisions of rule 3(2).

Election of Chair and Vice-Chair of the Registration Committee

- (4) (a) The members of the registration committee must, at the first meeting of the committee, and thereafter as the occasion arises, elect from amongst their number a chair and vice-chair, who must hold office until the expiry of the period for which the Council was appointed;
- (b) A person may not be elected as chair or as vice-chair in terms of rule 3(4)(a) unless such person is a registered Medical Equipment Maintainer;
- (c) The chair or, in the event of his or her incapacity, the vice-chair must act as chair of any meetings of the registration committee, provided that if the chair and vice-chair are absent from any meeting of the committee or not be able to preside, the members present shall elect a Medical Equipment Maintainer from amongst their number to preside at that meeting and the person so elected may, during that meeting and until the chair or vice-chair resumes duty, perform all the duties of the chair.

Period of Office of Members of the Registration Committee

- (5) (a) Every member of the registration committee holds office until the expiration of the period for which the Council is appointed;
- (b) Whenever a member vacates office before the expiration of the period for which he or she was appointed, the Council may, subject to the provisions of rule 3(2), appoint another person to fill the vacancy for the un-expired portion of the period for which such member was appointed.

Quorum and Procedure at Meetings of the Registration Committee: Medical Equipment Maintainers

- (6) (a) Six members of the registration committee, actually appointed in terms of rule 3(2), referred to as the full committee for purpose of this rule, constitute a quorum;
- (b) In the event of an equality of votes at any meeting of the registration committee, the chair or any person presiding as chair in terms of these rules, has a casting vote in addition to a deliberative vote: Provided that the chair, or the person so presiding, shall not have a casting vote when a recommendation for refusal of an application for registration is considered;
- (c) No decision taken or act performed under the authority of the registration committee, shall be invalid by reason only of a vacancy on such committee or of the fact that a person who was not entitled to sit as a member of the committee sat as a member at the time when the decision was taken or the act was authorised by the requisite majority of the members of the committee who were present at the time and entitled to sit as members;
- (d) All meetings of the registration committee may be held at such times and places as may be fixed by the committee, provided that if at the close of any meeting the committee has not fixed the time and place for its next meeting, such time and place must be determined by the chair of the committee;
- (e) Every member of the registration committee shall be given not less than two weeks notice, in writing, of every meeting of the committee;

- (f) If a member of the registration committee who is present at a meeting of the committee does not agree with a resolution of the committee passed at such a meeting, he or she may request that his or her dissension, with or without the reasons therefore, be recorded in the minutes and the person presiding at such a meeting must ensure that such request be so recorded;
- (g) The chair of the registration committee may, subject to the provisions of sub rule (6) (e) at any time call a special meeting of a registration committee to be held at such time and place as he or she may determine.

Procedure at meetings when Applications for Registration are considered

- (7) (a) If the full committee divides into two separate subcommittees for purposes of expediting consideration of applications, the quorum of each such separate subcommittee shall be three, provided that at least two of the members of each such subcommittee shall be Registered Medical Equipment Maintainers;
- (b) (i) When an application is considered for the first time by any of the separate subcommittees, and such application has not yet been considered by the other separate subcommittee / s, an applicant shall only be recommended for registration by such separate subcommittee if the majority of the members present at the meeting of such separate subcommittee agree that such applicant be recommended for registration;
- (ii) If any member of any such subcommittee which considers an application for the first time does not agree that an applicant is recommended for registration, such application shall be referred to the other separate subcommittee for consideration;
- (iii) If the majority of the members of the other separate subcommittee are in agreement that the applicant in question be recommended for registration, such separate subcommittee may, after consultation with a majority of the subcommittee which first considered the application, decide to recommend that the applicant be registered.
- (c) (i) If the separate subcommittees are in agreement that an applicant does not meet the requirements for registration but are not in agreement as to the nature or extent of the applicants' deficiencies, the full committee may, after due consideration of the recommendations of each separate subcommittee, confirm the recommendation of such refusal and make a ruling as to the nature and extent of the applicant's deficiencies;
- (ii) If the separate subcommittees are not in agreement whether or not an applicant should be registered, the application shall be referred to the full committee for consideration and the full committee may, after considering the recommendations of the respective separate subcommittees, decide on the matter as it deems appropriate.
- (d) It shall be the responsibility of the full committee to satisfy itself that each separate subcommittee has adequately applied its mind (in terms of procedure and merit) in respect of any application.

Functions of the Registration Committee

- (8) (a) The registration committee may consider and decide on applications for registration in terms of rule 3(7), provided that any decision to refuse the registration of a person must be submitted to the Central Registration Committee of the Council for approval, provided further that any decision to register a person as a Medical Equipment Maintainer, must be reported to the Central Registration Committee of the Council at the earliest opportunity;
- (b) The registration committee may determine the requirements for registration as a Registered Medical Equipment Maintainer, provided that the requirements so determined must be approved by the Council, or any committee of the Council specifically authorised by the Council to do so;

- (c) The registration committee has the power to assist the Council generally in the performance of its functions and duties and specifically in regard to matters specially pertaining to the specified category of Medical Equipment Maintainers.

AUTHORISED TITLES AND ABBREVIATIONS

4. (1) A person who is registered as a Registered Medical Equipment Maintainer in terms of these rules may describe him or herself as such and use the title "Registered Medical Equipment Maintainer" and may affix the abbreviation "Reg. MEM" after his or her name.

PROFESSIONAL CONDUCT

5. Any person who is registered in terms of these rules must comply with the ECSA Code of Conduct, and the Code of Practice as prescribed by the Council, and failure to do so constitutes improper conduct in terms of section 27(3) of the Act.