
GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

No. R. 968

19 October 2007

HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

REGULATIONS DEFINING THE SCOPE OF THE PROFESSION OF MEDICINE

The Minister of Health intends, in terms of section 33(1), read together with section 61(2) of the Health Professions Act, 1974 (Act No. 56 of 1974), and on the recommendation of the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management), within one month of the date of publication of this notice.

SCHEDULE

Definitions

1. In these regulations "the Act" shall mean the Health Professions Act, 1974 (Act No. 56 of 1974), and any expression to which a meaning has been assigned in the Act shall bear such meaning, and, unless inconsistent with the context -

"**board**" means the Medical and Dental Professions Board established in terms of section 15(1) of the Act;

"**medicine**" means the profession of a person registered as a medical practitioner or an intern in medicine in terms of the Act;

"**section**" means a section of the Act.

Scope of the profession

2. The following acts are hereby specified by the board under section 33 as acts, which, for the purposes of the Act, shall be deemed to be acts pertaining to the medical profession:

- (1) The physical examination of any person;
- (2) Performance of procedures and/or the prescribing of medicines and managing the health of a patient (prevention, treatment and rehabilitation);
- (3) Advising any person on his or her physical state;
- (4) On the ground of information provided by any person or obtained from him or her in any manner whatsoever –
 - (a) diagnosing such person's physical state;
 - (b) advising such person on his or her physical state;
 - (c) administering, selling or prescribing for such person any medicine or treatment;
- (5) Prescribing, administering or providing any medicine, substance or thing; or
- (6) Any other act specially pertaining to the medical profession based on the education and training of medical practitioners as approved by the board from time to time.

3. The provisions of regulation 2 shall not be construed as prohibiting the performance of the acts specified therein by

- (a) any person registered under any legislation regulating health care providers from performing such acts in accordance with the provisions of such legislation;
- (b) an intern working at an institution recognized by the council from performing any function or issuing any certificate or other document which in terms of any law, other than this Act, may be or is required to be performed or issued by a medical practitioner, whether described in such law as a medical practitioner or by any other name or designation, or describing himself or herself as a medical practitioner in connection with the performance of any such function or the issuing of any such certificate or document;
- (c) a student intern under the supervision of a medical practitioner in the course of his or her training;
- (d) a dentist in the course of performing any act falling within the scope of dentistry or from using any name, title, description or symbol normally associated with his or her profession; or

- (e) any person in the course of bona fide research at any institution approved for that purpose by the Minister.

Registration a prerequisite to practice

4. Any person who wishes to perform any of the acts prescribed in regulation 2 shall apply in the prescribed manner to the board for registration as a medical practitioner and submit proof of having complied with the prescribed requirements for such registration.


MINISTER OF HEALTH