

DEPARTMENT OF HEALTH**No. R. 1265****28 November 2008****HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA****REGULATIONS RELATING TO FINES WHICH MAY BE IMPOSED BY A PROFESSIONAL BOARD AGAINST PRACTITIONERS FOUND GUILTY OF UNPROFESSIONAL CONDUCT UNDER THE HEALTH PROFESSIONS ACT, 1974**

The Minister of Health intends under section 42 (1) (d) of the Health Professions Act, 2005 (Act No. 56 of 1974), as amended by Act No. 29 of 2007, 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: Stakeholder Relations and Management), within 3 months of the date of publication of this notice.

SCHEDULE**Definitions**

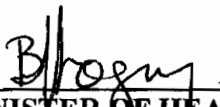
1. In these regulations "**the Act**" means the Health Professions Act (Act No. 56 of 1974), and any word or expression to which a meaning has been assigned in the Act shall have that meaning, unless the context otherwise indicates-

Fines which may be imposed by a professional board

2. A professional board may impose a fine, falling within the minimum and maximum fines stipulated for each category of offences indicated below, against a registered person who has been found guilty in respect of each charge of unprofessional conduct after an enquiry held by such professional board under chapter IV of the Act-

Category of offence	Minimum fine	Maximum fine
(a) Unethical advertising	R 2 500.00	R 10 000.00
(b) Bad Communication	R 3 000.00	R 15 000.00
(c) Supercession	R 1 000.00	R 8 000.00

(d) Itinerant practice	R 2 500.00	R 10 000.00
(e) Improper reports of certificates	R 2 000.00	R 10 000.00
(f) Reputation of colleague	R 1 000.00	R 8 000.00
(g) Overcharging (fees)	R 5 000.00	R 15 000.00
(h) Practising beyond scope/ employ unregistered person	R 5 000.00	R 15 000.00
(i) Refuse Assistance	R 5000.00	R 15 000.00
(j) Overservice	R 20 0000.00	Amount claimed for overservice +5% of such amount
(k) Exposure to danger / harm	R 5 000.00	R 20 000.00
(l) Insufficient Care	R 5 000.00	R 15 000.00
(m) Treatment without consent	R 2 000.00	R 10 000.00
(n) Consulting Room	R 5 000.00	R 15 000.00
(o) Exploitation	R 5 000.00	R 10 000.00
(p) Incompetence	R 10 000.00	R 50 000.00
(q) Negligence	R 20 000.00	R 70 000.00
(r) Fraud	R20 000.00	R 70 000.00
(s) Perverse incentives / kickbacks	R 20 000.00	Amount of incentive +5% of such amount
(t) Criminal conviction	R 10 000.00	R 50 000.00
(u) Prescriptions	R 5 000.00	R 20 000.00
(v) Unacceptable relationship	R 20 000.00	R 50 000.00
(x) Trade in medicine	R 5 000.00	R 15 000.00
(y) Practice models / Juristic person	R 10 000.00	R 30 000.00
(z) Divulging confidential information	R 10 000.00	R 30 000.00
(aa) Defeating or obstructing ends of justice	R 2 500.00	R 10 000.00


MINISTER OF HEALTH
DATE: 6/11/2008