

No. R. 632

23 July 2010

HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)**REGULATIONS RELATING TO FINES WHICH MAY BE IMPOSED BY A COMMITTEE OF
ENQUIRY AGAINST PRACTITIONERS FOUND GUILTY OF IMPROPER OR DISGRACEFUL
CONDUCT UNDER THE HEALTH PROFESSIONS ACT, 1974**

The Minister of Health has, in terms of section 61(1) (j) read with section 42(1) (d) of the Health Professions Act, 1974 (Act No. 56 of 1974), made the regulations in the schedule.

SCHEDULE**Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning, unless the context otherwise indicates—

“**the Act**” means the Health Professions Act, 1974 (Act No. 56 of 1974) as amended;

“**committee of enquiry**” means a preliminary committee of enquiry or a professional conduct committee;

“**rules**” means the Ethical rules of conduct for practitioners registered under the Act.

Fines which may be imposed by a committee of enquiry

2. A committee of enquiry may impose a fine equal to or falling within the range of the minimum and maximum fines stipulated for each category of unprofessional conduct indicated below, against a registered person or a person who is legally required to be registered and who has been found guilty of unprofessional conduct after an inquiry held by such committee of enquiry under Chapter IV of the Act.

Category of improper or disgraceful conduct—	Minimum fine	Maximum fine
(1) Improper or disgraceful conduct relating to:		
(a) advertising	R2 500.00	R10 000.00
(b) communication	R3 000.00	R15 000.00
(c) supersession	R1 000.00	R8 000.00
(d) itinerant practice	R2 500.00	R10 000.00
(e) certificates and reports	R2 000.00	R10 000.00
(f) reputation of colleagues	R1 000.00	R8 000.00
(g) fees and commission	R5 000.00	R8 000.00
(2) Overcharging patients in fees	R5 000.00	R15 000.00
(3) Practicing beyond the scope of own profession and/or employing unregistered person	R5 000.00	R15 000.00
(4) Withholding emergency services	R5 000.00	R15 000.00
(5) Overservicing	R20 000.00	Amount claimed for over-servicing + 5% of such amount or R20 000 which ever is greater
(6) Exposing patients to danger or harm	R5 000.00	R20 000.00
(7) Providing insufficient care to a patient	R5 000.00	R15 000.00
(8) Providing treatment to patient without patient's or next-of-kin's consent	R2 000.00	R10 000.00

(9) Sharing consulting rooms with a person or entity not registered in terms of the Act.	R5 000.00	R15 000.00
(10) Allowance by a practitioner to be exploited	R5 000.00	R10 000.00
(11) Incompetence	R10 000.00	R50 000.00
(12) Negligence	R20 000.00	R70 000.00
(13) Fraud	R20 000.00	R70 000.00
(14) Giving or receiving perverse incentives or kickbacks	R20 000.00	Amount of incentive + 5% of such amount or R20 000 which ever is greater
(15) Unprofessional conduct emanating from criminal conviction	R10 000.00	R50 000.00
(16) Issuing of improper prescription	R5 000.00	R20 000.00
(17) Engaging in unacceptable relationship	R20 000.00	R50 000.00
(18) Contravention of rule 23 of the rules	R5 000.00	R15 000.00
(19) Engaging in undesirable business practices or models	R10 000.00	R30 000.00
(20) Divulging confidential information about a patient.	R10 000.00	R30 000.00
(21) Defeating or obstructing ends of justice	R2 500.00	R10 000.00
(22) Defeating or obstructing the Health Professions Council in the performance of its duties.	R2 500.00	R10 000.00



MINISTER OF HEALTH

DATE 24/4/2010