
GOVERNMENT NOTICES

DEPARTMENT OF HEALTH

No. R. 755

30 August 2010

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

REGULATIONS RELATING TO INDEMNITY COVER FOR REGISTERED HEALTH PRACTITIONERS

The Minister of Health has, in terms of sections 61(1) (c) of the Health Professions Act, 1974 (Act No. 56 of 1974), and after consultation with the Health Professions Council of South Africa, made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations any expression to which a meaning has been assigned in the Act shall bear such meaning, and, unless the context otherwise indicates—

“**Council**” means the Health Professions Council of South Africa established in terms of 2 of the Act;

“**health practitioner**” means a person registered with Council in a profession registrable in terms of the Act;

“**indemnity cover**” means insurance provided by recognised providers in terms of the Short-Term Insurance Act, 1998 (Act No. 53 of 1998) or professional indemnity provided through membership of a recognised society or organisation, to cover for damages which may arise as a result of a wrongful act or omission by a registered health practitioner;

“**independent practice**” means the practising of a health profession by a registered health practitioner for his or her own account, either in *solus* practice, or as a partner in a partnership, or

as an associate in an association with other practitioners registered under the Act, or as director of a company exempted from the provisions of the Act in terms of section 54A of the Act; and

“Short-Term Insurance Act” means Short-Term Insurance Act, 1998 (Act No. 58 of 1998)

“the Act” means the Health Professions Act, 1974 (Act No.56 of 1974).

Requirements for indemnity cover

2. A health practitioner, registered and practising in the category ‘independent practice’, must obtain a professional indemnity cover, which must be fully maintained at all times.
3. A health practitioner referred to in regulation 2, must—
 - (a) provide the Council on an annual basis with documentary proof and details of the required professional indemnity cover; and
 - (b) obtain the professional indemnity cover from a person registered in terms of section 7 of the Short-Term Insurance Act to carry on short-term insurance business.
4. A person who, on the date of publication of these regulations, was already providing professional indemnity cover to a health practitioner, but was not registered in terms of section 7 of the Short-Term Insurance Act, must register within 4 months from the date of publication of these regulations.

Contravention of Regulations

5. A health practitioner who practices in contravention of these regulations commits unprofessional conduct that may lead to an inquiry in terms of Chapter IV of the Act.



MINISTER OF HEALTH

DATE: 17/6/2010