

## GOVERNMENT NOTICES

---

### DEPARTMENT OF HEALTH

**No. R. 395****6 May 2011**

### PHARMACY ACT 1974, (ACT NO 53 OF 1974)

#### REGULATIONS RELATING TO CONTINUING PROFESSIONAL DEVELOPMENT

The Minister of Health intends, in consultation with the South African Pharmacy Council, in terms of section 33 (1) (o) of the Pharmacy Act, 1974 (Act No. 53 of 1974), to make the regulations as set out in the Schedule

Interested persons are invited to submit, within three months after the date of publication of this notice, substantiated comments on or representations regarding the proposed amendments to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for the attention of the Cluster Manager: Pharmaceutical Policy and Planning).

#### SCHEDULE

##### Definitions

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

**“Assessment”** means a process of measuring compliance with the requirements of the Council relating to participation and recording of activities for purposes of continuing professional development in accordance with the requirements of these regulations.

**“Assessor”** means any pharmacist registered by Council in accordance with criteria determined and published for this purpose by Council.

**“Continuing Professional Development Committee”** means a committee appointed by the Council in terms of section 4 of the Act to deal with matters relating to the professional development of registered persons.

**“Continuing Professional Development”** means the process by which registered person continually ensure and enhance their competence throughout their professional careers, and encompasses a range of activities including continuing education and supplementary training.

**“Practising”** means any registered person who is currently performing any one or more or all of the services or acts relating to the scope of practice of the category in which he/she is registered or intends to perform such functions and who requires such designation to be identified on the applicable register.

**“Non-Practising”** means any registered person who is not currently performing any one or more or all of the services or acts relating to the scope of practice of the category in which he/she is registered and does not intend to do so and who requires such designation to be identified on the applicable register.

**“Register”** when used as a noun, means a register kept in accordance with the provisions of this Act, and when used in relation to any category or a member of any category of persons in respect of which a register is

kept, means the register kept for that category and when used as a verb, means to enter in such register; the words **“registered”**, **“registerable”**, **“registration”** and all other words formed with or derived from the word **“register”** having a corresponding meaning.

**Registered person**” for the purpose of these regulations means any person registered with Council in terms of section 14 of the Act in the categories identified in terms of regulation 2 of the Regulations relating to the registration of persons and the maintenance of registers, but excluding regulation 2(6), (7), (8), (10), (11), (12) and (13).

**“Responsible Pharmacist”** means a person as defined in the Regulations Relating to the Practice of Pharmacy published under Government Notice No. GN R1158 in Government Gazette No. 21754 of 20 November 2000

**“the Act”** means the Pharmacy Act, 1974 (Act No. 53 of 1974), and the regulations and rules published in terms of that Act.

## **Participation in Continuing Professional Development**

2. A person who is-

- (a) registered in terms of section 14 of the Act; and
- (b) who is designated on the applicable register as practicing in terms of regulation 5

may be required by the Council to participate in and record his or her activities relating to continuing professional development in a format as may be determined by Council.

---

**Annual Declaration**

3. (1) A registered person must, on an annually basis, make a declaration to Council in the prescribed form as to whether he or she is practising or non-practising;
- (2) The Registrar must annotate in the applicable register whether a registered person has declared that he or she is practising or non-practising;
- (3) A registered person who is practising must, annually and upon payment of the annual fees, make a declaration to Council in the prescribed form that he or she will comply with all the requirements relating to continuing professional development as determined by Council from time to time;
- (4) A registered person who is non-practising must, annually and upon payment of the annual fee, make a declaration to Council in the prescribed form that he or she will not perform one or more or all of the acts or services relating to the scope of practice of the category in which he or she is registered.

**Designation on registers kept in terms of section 14**

4. (1) A registered person may choose to be designated on the applicable register as either practising or non-practising.
- (2) Any registered person who fails to provide Council on an annual basis with a declaration as per regulation 4.1 will be deemed to be practicing.

- (3) A registered person who chooses to change his or her designation on the applicable register from non-practising to practising must comply with any condition(s), as may specified by Council from time to time.
- (4) The Council must, on an annual basis, issue to each registered person proof which indicates whether he or she is designated on the applicable register as practising or non-practising.
- (5) A person registered in the category Responsible Pharmacist must be deemed to be practising for the purposes of complying with the requirements of continuing professional development.
- (6) A persons approved as a tutor in terms of Regulations Relating to Pharmacy Education and Training published under Government Notice No. GN R 1156 in Government Gazette No. GG 21754 of 20 November 2010 must be deemed to be practising for the purposes of complying with the requirements of continuing professional development.

### **Assessment**

- 5. (1) The Council may assess the compliance of registered persons with requirements relating to continuing professional development as determined by Council from time to time.
- (2) The Registrar must convey the outcome of the assessment to the person assessed, within 30 days of receipt thereof.

- 
- (3) The person assessed may forward any comment or further representations regarding the outcome of an assessment to the Registrar within 21 days of receipt of the outcome of the assessment..
- (4) In the event that a person registered with Council is found to be non-compliant with the requirements of Council relating to participation and recording of activities relating to continuing professional development, within the prescribed period of time, the Committee may decide on one or more of the following—
- (i) request a further assessment; or
  - (ii) grant the registered person a deferment for a specified period of time subject to compliance with certain conditions which may be determined by Council; or
  - (iii) require the registered person to follow a support or remedial programme determined by Council; or
  - (vi) require the registered person to be subject to another method of assessment;
- (5) The Registrar must—
- (a) inform the registered person of the finding in terms of sub regulation (4) and request him or her to comply voluntarily;

- (b) refer the matter back to the Committee for further consideration in terms of these regulations in the event the registered person fails to comply in terms of paragraph (a).

### **Non-Compliance**

6. (1) In the event that a pharmacist—

- (a) refuses or fails to comply with these Regulations; or
- (b) with any decision of the Committee, or
- (c) does not comply by the specified return date (or such further period as the Registrar may allow),

the Committee may direct the Registrar to recommend to Council to change the designation status of a pharmacist from practicing to non-practicing or arrange for an investigation in terms of Chapter V of the Act.

### **Appeals**

7. (1) A person who is aggrieved by a decision of the Council may appeal against such decision in writing within 60 days of such a decision having come to the knowledge of that person.

(2) Such an appeal must clearly state—

- (a) the decision against which such appeal is lodged; and
- (b) the grounds on which such appeal is lodged.

- 
- (3) The Registrar must appoint an appeals committee that consists of no fewer than three persons, constituted as follows:
- (a) the chairperson, appointed on account of his or her knowledge of the law; and
  - (b) two other members appointed on account of their skills and knowledge of health research ethics matters.
- (4) No member of an appeals committee shall have a direct or indirect interest in the affairs of the appellant or respondent.

#### **Deferment**

- 8.(1) The council may grant a registered persons, deferment of compliance with requirements relating to continuing professional development
- (2) The deferment may be granted—
- (a) following an application setting out adequate reasons for such request; and
  - (b) subject to such conditions as the Council may determine.



**Short title**

9. These Regulations are called Regulations relating to the Continuing Professional Development, 2010, made in terms of the Pharmacy Act 53 of 1974.

**DR. A MOTSOLEDI, MP**  
**MINISTER OF HEALTH**