

DEPARTMENT OF HEALTH

NO. 1569

06 DECEMBER 2019

NURSING ACT, 2005 (Act No. 33 of 2005)

Rules for Continuing Professional Development and Renewal of Registration

The South African Nursing Council, in terms of section 59(1) of the Nursing Act, 2005 (Act No. 33 of 2005) intends, to make the Rules in the Schedule.

Interested persons are in terms of section 59(2) of the Nursing Act, 2005 (Act No. 33 of 2005) invited to submit any substantiated comments or representations on the proposed Rules to the Senior Manager Professional Practice, Private Bag X132, Pretoria, 0001, jmuswede@sanc.co.za (for the attention of the Manager CPD), within three (3) months of publication of this Notice.

SCHEDULE

The South African Nursing Council

Rules for Continuing Professional Development and Renewal of Registration

The South African Nursing Council has, in terms of Sections 39 and 59 of the Nursing Act, 2005 Act no.33 of 2005 resolved to introduce a compulsory Continuing Professional Development program, adherence to which will be a requirement for the renewal of registration each year.

1. AUTHORIZING PROVISION

1.1 Conditions relating to continuing professional development

39. The Council may determine:

- (a) conditions relating to continuing professional development to be undergone by practitioners in order to retain such registration;
- (b) the nature and extent of continuing professional development to be undergone by practitioners; and
- (c) the criteria for recognition by the Council of continuing professional development activities and accredited institutions offering such activities.

1.2 Rules

59. (1) The Council may make rules relating to:

- (a) conditions relating to continuing professional development to be undergone by practitioners in order to retain such registration;
- (b) the nature and extent of continuing professional development to be undergone by practitioners;
- (c) the criteria for recognition by the Council of continuing professional development activities and of providers offering such activities; and
- (d) any other matter which must be promulgated as rules under this Act.

(2) The Council must, not less than three months before any rule is made under this Act:

- (a) publish such rule in the *Gazette* together with a notice declaring the Council's intention to make such rule; and
- (b) invite interested persons to comment thereon or to make representations with regard thereto.

2. OBJECTIVE

The objective of these rules is to provide compliance mechanisms in relation to CPD requirements that must be fulfilled by practitioners registered under this Act

3. COMMENCEMENT

These rules come into operation upon publication in the Government Gazette.

4. DEFINITIONS

In these rules the following words and/or phrases shall have the meaning ascribed to them hereunder unless indicated otherwise:

Area of Practice: Field of practice in which the Nursing Practitioner is working (i.e. clinical nursing, occupational nursing, education and training, management, regulation and policy formulation

Accreditation Certificate: Document attesting that the Service Provider is authorized by SANC or other authorizing body recognized by SANC to offer CPD activity

Continuing Professional Development (CPD): A purposeful, statutory process whereby practitioners registered with SANC, engage in learning activities to maintain and improve their knowledge, skills, attitudes and professional integrity in order to keep up to date with new science, innovation and health care developments, and to practise safely, ethically, competently, and legally within their evolving scope of practice.

CPD accreditation Standards/ Guidelines: Statements or directives describing the qualities, responsibilities and expected levels of performance of an accredited CPD activity

CPD Activity: An individual or group learning activity that has been accredited by SANC-approved accreditors to create opportunities for Practitioners to gain knowledge, develop skills and shape their attitudes in order to maintain high professional standards.

CPD approval panel/Accreditors: Body appointed by SANC and constituted by experts in the profession of which at least one shall be a member of the relevant Professional Board. Accreditors will be responsible for certifying that CPD activities and providers meet the required criteria

CPD Cycle: Period in which a Practitioner is expected to accrue CPD points, beginning in July and ending in June of the following year.

CPD Declaration: Attestation by the Practitioner of completion of annual required CPD points

CPD Framework: Document outlining the process of continuing professional development as approved by Council

CPD points: Total credits gained by a Practitioner; equivalent to number of contact hours allotted to a CPD activity

CPD point Allocation: The number of CPD points assigned to a given activity based on CPD weighting criteria.

CPD weighting: Designation of CPD points based upon level of complexity of CPD activities

CPD Service Provider: Organization/institution/individual recognised by the SANC to provide CPD activities according to criteria defined in Section 10 of the CPD Framework.

E-Learning: The delivery of learning content via electronic media, including computers and mobile devices. Must be accompanied by a certificate or other proof of compliance to learning requirements.

Ethical domain: Codes that guide and influence the practice of nursing and midwifery.

Facility-based learning: Learning activities that take place at the Practitioner's work station, health unit or practice.

Group activity: Any organized event offered by a Service Provider in which three or more Practitioners are assembled for purposes of sharing information, building knowledge, developing skills and shaping attitudes on a subject of professional interest.

Leadership: A process of social influence which maximises the efforts of others towards the achievement of a goal.

Legal domain: Legislation and policies that govern and influence nursing.

Leadership: Process of social influence that maximizes the efforts of others towards the achievement of a goal.

Management: Process of reaching organizational goals by working with people and other organisations. **Portfolio of Evidence (PoE):** A collection of documentary proof of activities undertaken to accrue CPD points.

Practitioner: Any individual registered in terms of Section 31(1) of the Nursing Act (Act No. 33 of 2005).

Recognition certificate: Document attesting that the Service Provider is authorized by SANC or other authorizing body recognised by SANC to offer CPD activity

Research: A Scientific process to discover new or collate existing facts which contribute to the improvement or enrichment of nursing practice and the body of knowledge of nursing.

Teaching: Transfer of knowledge to colleagues and/or health care users.

Training Needs Assessment: Process by which the CPD training needs of a Practitioner are identified

South African Nursing Council (SANC): Council established in terms of section 2 \of the Nursing Act, 2005 (Act No 33 of 2005), \ which is the ultimate policymaking authority under the Act, and includes any Committee authorized to do so by the Council.

5. ABBREVIATIONS

In these rules the following abbreviations shall have the meaning ascribed to them hereunder unless indicated otherwise:

AOP	Area of Practice
APC	Annual Practicing Certificate
CPD	Continuing Professional Development
EL	Ethical Legal domain

LM	Leadership and Management
POE	Portfolio of Evidence
PPA	Packaged Point Allocation
R	Research
SANC	South African Nursing Council
T	Teaching
TOR	Terms of Reference

6. CPD OBLIGATIONS

6.1 REQUIREMENTS

According to the Nursing Act 2005 (Act No. 33 of 2005), every practitioner registered with SANC is to undertake CPD activities. A minimum of 15 CPD points will be required each year for the renewal of the Annual Practicing Certificate (APC).

Anyone who registers for the first time will be obliged to commence with the accumulation of CPD points from the month of registration. The Practitioner must refer to a section on "the eligibility to accrue fewer points" (Section 14 of the CPD Framework) if he/she is registered months after commencement of the CPD cycle

6.2 EXEMPTIONS

Practitioners eligible for exemption include:

- (a) Those registered for formal education and training for a specific year
(Proof of registration will be required);
- (b) Those working for five (5) or less months or less during the course of the CPD accrual cycle, such as those on sick leave or living/working outside of South Africa;
- (c) Retired nurses who are not working but choose to maintain their registration;

- (d) Those who wish to remain on the Register but whose area of practice is not in the field of nursing or midwifery;
- (e) Those on military and national assignments.
- (f) Those who are undertaking indigenous training

Practitioners eligible for exemption may apply to SANC in writing for a period of exemption from their annual CPD requirements e. The Exemption Form (Annexure 6 of the Framework) must state the reason why exemption is being sought.

Application for exemption must be accompanied by proof of eligibility for exemption. Exemptions are not automatic and will be decided by SANC on an individual basis. An administrative fee will apply.

6.3 EXTENSION

Practitioners who, in extenuating circumstances, are unable to acquire the minimum number of CPD points for renewal of the Annual Practising Certificate may apply in writing to SANC for an extension in order to complete their CPD requirements stating the reason for the request. Extension will be granted for a period six months. At the end of the period of extension, the practitioner may be audited to ensure the CPD requirement has been met. Extensions are not automatic and will be determined by SANC on an individual basis. An administrative fee will apply.

6.4 ELIGIBILITY FOR ACCRUAL OF FEWER CPD POINTS

Practitioners who worked for less than nine (9) months of the CPD accrual cycle may be eligible for accrual of fewer than 15 points. Practitioners working for six – nine (9) months of the accrual cycle must accrue a minimum of eight (8) CPD points across the five (5) thematic areas. Practitioners who are eligible for accrual of reduced number of points must apply in writing to SANC.

7. CPD CONTENT

- 7.1 CPD activity should be accredited/recognised by SANC and should provide the Practitioner with the opportunity to gain knowledge; develop skills and shape attitudes
- 7.2 The activity must be offered by a SANC accredited/recognised Service Provider
- 7.3 The activity must address at least one of the five Thematic Areas (Section 8 of the Framework)

- 7.4 For the purpose of these rules, private study does not constitute a CPD activity, unless it involves utilization of accredited Audio-visual or eLearning materials specifically designed for the purpose of developing relevant knowledge and/or skills

8. CPD POINT ALLOCATION CRITERIA

A defined number of CPD points are allocated to a given activity based on the level of complexity and amount of participation required of the practitioner to complete for the activity. The number of points allocated to each activity is defined as "Packaged Point Allocation" (PPA) system, (See Table 1, Section 6.1 of the Framework).

9. CPD CYCLE

- 9.1 Practitioners are expected to accrue 15 CPD points during a 12 month period beginning 01 July in a given year up to 30 June of the next year (See Diagram 1, Section 7.2 of the Framework Version 3). Once all CPD points have been accrued during the period above, a Declaration of Compliance form may be submitted to SANC at any point until the deadline of 30 June.
- 9.2 A three (3) month extension period may be requested from July if required.
- 9.3 CPD accrual with the appropriate documentation during the July-June period will enable a practitioner to renew his or her APC for the following year.

10. SCOPE

CPD activities are divided into five (5) thematic areas: Ethical & Legal domain; Area of Practice; Leadership & Management; Teaching and Research. Practitioners are expected to acquire CPD points as outlined in section 8 of the CPD Framework Version 3.

11. DOCUMENTATION

Each Practitioner is expected to keep documentary evidence of CPD activities in the form of a Portfolio of Evidence (see *Annexure 3 of the CPD Framework*). The Portfolio of Evidence

must be kept for a period of three (3) years for audit purposes, and must be submitted for auditing should the practitioner be requested to do so by Council. CPD activities must be documented in a standardised Log-sheet (*See Annexure 4 of the Framework*). A SANC Declaration of Compliance form must be submitted to SANC by the 30th June of each year as a pre-requisite for renewal of the Annual Practising Certificate.

12. COMPLIANCE

Practitioners will be considered compliant if the required CPD points have been accrued and the Declaration of Compliance form has been submitted to Council prior to the annual deadline

13. NON-COMPLIANCE

The rule applies if the practitioner:

- (a) Fails to declare completion of required number of CPD points within the set time frame.
- (b) Fails to submit a POE within 21 days of a request for auditing.
- (c) Produces a POE that does not adequately support the Declaration of Compliance form if audited.
- (d) A practitioner who is found to be non-compliant will be contacted by SANC advising them of their non-compliant status and requesting a response to advise SANC within 21 days on the reasons for not completing their mandatory annual CPD requirement.

A practitioner who is found to be non-compliant will be unable to renew his or her Annual Practising Certificate.

The following steps may be taken against non-compliant practitioners:

- (a) An extension of an additional three (3) months will be given in order to accrue the remaining CPD points
- (b) Financial fine (to be determined by SANC) will be imposed;
- (c) Removal from the Register.

14. AUDITING

SANC will audit up to 10% of practitioners per annum by drawing a stratified sample.

Practitioners included in the sample will be required to submit their POEs to SANC.

15. RIGHT TO APPEAL

Any Practitioner who is aggrieved by finding of, and/or, remedial action imposed by the SANC CPD Committee, may appeal to the Full Council of the SANC, if the aggrieved party is not content with the decision and or remedial action imposed by the Full Council then such aggrieved party may appeal in terms of section 57 of the Nursing Act (Act no 33 of 2005). A decision by the Appeal Committee will be final.



S.A. MCHUNU

REGISTRAR AND CEO

SOUTH AFRICAN NURSING COUNCIL

DATE: 20/11/2019