

## DEPARTMENT OF HEALTH

NO. 2426


26 August 2022

## ALLIED HEALTH PROFESSIONS ACT 63 OF 1982

**REGULATIONS RELATING TO FINES WHICH MAY BE IMPOSED BY AN  
INQUIRING BODY AGAINST PRACTITIONERS FOUND GUILTY OF  
UNPROFESSIONAL CONDUCT IN TERMS OF THE ALLIED HEALTH  
PROFESSIONS ACT, 1982 OR FOR NON-COMPLIANCE WITH ANY  
CONTINUING PROFESSIONAL DEVELOPMENT ("CPD") REQUIREMENTS**

The Minister of Health intends, under section 23(1A) and section 29 as read with section 38(1)(s), and section 38(4) of the Allied Health Professions Act, 1982 (Act No. 63 of 1982), after consultation with the Allied Health Professions Council, to make the regulations in the Schedule.

Interested persons are invited to submit substantiated comments or representations in writing on the proposed amendments to the Regulations, to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Public Entities Governance, Ms M Mushwana, [Mihloti.mushwana@health.gov.za](mailto:Mihloti.mushwana@health.gov.za), and Mr G. Tsebe, [Godfrey.tsebe@health.gov.za](mailto:Godfrey.tsebe@health.gov.za) within one month of the date of publication of this Notice.



**DR M.J. PHAAHLA, MP**  
**MINISTER OF HEALTH**

DATE: 26/01/2022

## SCHEDULE

### Definitions

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

**“CPD”** means Continuing Professional Development;

**“Inquiring Body”** means the Council, the professional board, a committee of the council or a committee appointed by a professional board, which is conducting an inquiry contemplated in either section 23(1) or 23(1A) or section 29 of the Act and/or the CPD Guidelines for the professions of Aromatherapy, Ayurveda, Chinese Medicine and Acupuncture, Chiropractic, Homeopathy, Naturopathy, Osteopathy, Phytotherapy, Reflexology, Therapeutic Aromatherapy, Therapeutic Massage Therapy, Therapeutic Reflexology and Unani-Tibb; and

**“the Act”** means the Allied Health Professions Act, 1982 (Act No 63 of 1982).

### Fines which may be imposed by an Inquiring Body

2. (1) An Inquiring Body may impose a fine equal to or falling within the range of the minimum and maximum fines stipulated for each category of unprofessional conduct contained in the table of fines, 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 Inquiring Body or who has not complied with the CPD requirements after an inquiry.

(2) Fines may be imposed alone or in conjunction with each other or with any other penalty the Inquiring Body may seem appropriate; the fines are payable in respect of one or more charges and may be compounded.

(3) The Council may, annually, by Notice in the Gazette increase the fines which may be imposed provided the increment may not be more than 20%.

Table of Fines

| UNPROFESSIONAL<br>CONDUCT RELATING TO:  | MINIMUM FINE | MAXIMUM FINE |
|---|--------------|--------------|
| Advertising   | R3,000       | R20,000      |
| Certificates and Reports  | R3,500       | R12,000      |
| Overcharging / Overservicing  | R2,500       | R50,000      |
| Practising beyond scope of<br>own profession  | R5,000       | R30,000      |
| Maligning the reputation of<br>colleagues   | R2,500       | R12,500      |
| Fees and/or Commission  | R5,000       | R70,000      |
| Record keeping  | R3,500       | R15,000      |
| Financial interest  | R4,500       | R20,000      |
| Promote, sell or market a<br>product, device of<br>whatsoever nature                                  | R4,500       | R20,000      |
| Sharing of consultations<br>rooms   | R3,000       | R15,000      |
| Practice and/or being<br>associated and/or perceived<br>to be associated with<br>unregistered persons | R5,000       | R25,000      |
| Offering of unapproved<br>education and training  | R5,000       | R30,000      |
| Practice names  | R5,000       | R15,000      |
| Contract servicing  | R5,000       | R 50,000     |
| Confidential information  | R5,000       | R20,000      |
| Exposing patients to danger<br>and/or harm  | R5,000       | R100,000     |
| Providing treatment without<br>patient's or patient's next of<br>kin's consent                        | R5,000       | R30,000      |
| Lack of professional<br>competence  | R5,000       | R100,000     |
| Negligence  | R5,000       | R70,000      |
| Fraud   | R10,000      | R100,000     |
| Giving and/or receiving<br>kickbacks or any benefit of<br>whatsoever nature                           | R10,000      | R100,000     |
| Engaging in unacceptable<br>relationship  | R10,000      | R70,000      |
| Corruption  | R10,000      | R100,000     |
| Disrespect patient's privacy<br>and/or dignity  | R10,000      | R20,000      |
| Unprofessional conduct not<br>stipulated above  | R1,000       | R100,000     |

| NON COMPLAINTS<br>WITH CPD<br>REQUIREMENTS         | MINIMUM FINE | MAXIMUM FINE |
|--|--------------|--------------|
|  |              |              |
| < 5 points short for the<br>CPD cycle              | R2,500       | R5,000       |
| Between 6 – 10 points<br>short for the CPD cycle   | R5,000       | R8,000       |
| Between 11 – 20 points<br>short for the CPD cycle. | R8,000       | R15,000      |
| More than 20 points short<br>for the CPD cycle     | R15,000      | R25,000      |

**Short Title**

3. These regulations are called the Regulations Relating to Fines which may be Imposed by an Inquiring Body Against Practitioners Found Guilty of Unprofessional Conduct in Terms of the Allied Health Professions Act, 2022.