

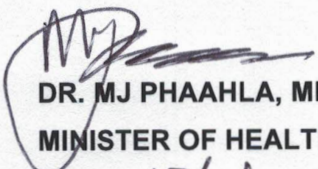
DEPARTMENT OF HEALTH

NO. 2898

23 December 2022

DENTAL TECHNICIANS ACT, 1979 (ACT No. 19 of 1979)**ACTS OR OMISSIONS OF DENTAL TECHNICIANS AND TECHNOLOGISTS IN RESPECT OF WHICH THE COUNCIL MAY TAKE DISCIPLINARY ACTION**

The Minister of Health has, under section 42 of the Dental Technicians Act, 1979 (Act No. 19 of 1979), on the recommendation of the South African Dental Technicians Council, hereby specify the acts or omissions, as set out in the Schedule hereto, in respect of which the council may take disciplinary action.


DR. MJ PHAAHLA, MP

MINISTER OF HEALTH

DATE: 18/11/2022

SCHEDULE

1. Definitions

In this Schedule, unless the context indicates otherwise, "**Act**" means the Dental Technicians Act, 1979 (Act No. 19 of 1979), and any expression to which a meaning has been assigned in the Act bears that meaning and —

"**advertising**" means any form of communication which is intended to promote the use of any goods or services or to promote the support of any cause;

"**canvassing**" means the systematic initiation of direct or indirect contact by a dental technician contractor with a target group such as, but not limited to, dentists, other dental technicians or dental technologists, with the intention of persuading or convincing them to support , subcontract or work for a specific dental laboratory or further the cause of such dental laboratory to the disadvantage of any other party; "**dental technology work**" means the work of a dental technician or dental technologist or any act specially pertaining to the profession of a dental technician or dental technologist; and

"**SADTC**" means the South African Dental Technicians Council established in terms of section 2 of the Act;

**ACTS OR OMISSIONS OF DENTAL TECHNICIANS AND DENTAL
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ACTION**

2. The acts or omissions specified in this Schedule are those in respect of which the council may take disciplinary action in terms of Chapter 4 of the Act.
3. Despite clause 2, the powers of the council to inquire into and deal with any complaint, charge or allegation are not limited to the acts or omissions specified in this Schedule.
4. **Relationships with colleagues and other health professionals**
 - (1) Employment of a person other than a registered dental technician or dental technologist, a registered student dental technician, or registered student dental technologist, or a dental laboratory assistant for performance of acts specifically pertaining to the profession of a dental technician or dental technologist;
 - (2) Referring of dental technology work by a dentist or dental technician contractor to unauthorised persons with the intention of such dental technology work being performed by assistance provided to or from, or co-operation is sought from or by, any such person;
 - (3) Failure to keep books of accounts and records in accordance with any legal requirements in respect of all the financial transactions relating to the dental laboratory of which he or she is the proprietor or employee;
 - (4) Discussing or negotiating with the patient of a dentist, the manufacture, repair or delivery of an artificial denture or other dental appliance, or part of such artificial

denture or appliance, without such dentist being present, other than when such patient is referred by a registered dentist in writing either by conventional or electronic communication;

- (5) Carrying out any clinical procedures directly on a patient.
- (6) Consulting with a person other than a dentist, dental technician or dental technologist who has the intention to divert the public with direct financial gain intended and to illicitly educate and provide the public with information ; and(7) Unless otherwise provided by any other Act, books of accounts are regarded as being not properly kept in accordance with subclause (3) if inter alia, such books have not been written up for more than a month, or if they have not been balanced every month apart from adhering to the standard accounting legislation, rules and practices.

5. Information on professional stationery

- (1) Only the following information may appear on letterheads, account forms and receipts:
 - (a) The name of the dental technician contractor or the name of his or her business as approved by the council and the words "Dental Technician Contractor"; and
 - (b) the registered physical addresses and fixed line telephone numbers or the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001) ("FICA") registered mobile contact numbers;
- (2) Failure to add the words "Registered Dental Technician or Dental Technologist" to any letterhead, account form or receipt;

- (3) The use of the letterheads, account forms and receipts described in subclauses (1) and (2) by a dental technician or dental technologist other than in his or her capacity as a dental technician contractor;
- (4) Making use of any stationery or printed material of any description which, in the opinion of the council, does not benefit the dignity, prestige and status of the profession; and
- (5) Printing of bulk brochures, leaflets or any related and or similar information that has no clear and specific purpose other than the intention of redirecting the public from the services of a dentist and to promote personal financial gain. However, such information may be placed in a dental surgery on the request of a dentist, which content must be agreed upon by all parties concerned, in which case the agreement or consent must be in writing either in hard copy or electronically.

6. Tendering for dental technology work

Tendering for any dental technology work or doing any dental technology work on tender for any individual person other than where government or government funded structures, unions, private group medical schemes or benefit funds are required to do so.

7. Limitation of employment

- (1) While employed as a registered dental technician or dental technologist by an employer in the dental technology field, or a related field, simultaneously performs any work pertaining to the profession of a dental technician or dental technologist for his or her own account; or

- (2) Is simultaneously employed by more than one employer in the dental technology field, or a related field, as a dental technician or dental technologist without the first employer's consent and the approval of the council.

8. Collection of moneys and receipt of remuneration

Assisting, permitting or enabling in any manner, directly or indirectly, a person other than a registered dental technician contractor or his or her authorised and duly appointed staff or agent or dentist to collect moneys, recover or receive such moneys or to receive any remuneration in respect of work done specially pertaining to the profession of a dental technician or dental technologist.

9. General

- (1) Exhibiting to the general public view in any manner, articles or appliances, including models, diagrams and charts or any materials, pertaining to his or her profession as a dental technician contractor other than –

- (a) inside the dental laboratory;
 - (b) with the permission of the registrar;
 - (c) at organised events where dental and oral health education is intended;
- or

- (d) in consultation with the dentist, exhibit dental appliances inside a dental surgery waiting area with the intention of educating the public in which case the name of the registered dental laboratory must appear;

- (2) Failing to attend properly, in a professional manner and to the best of his or her ability, to dental technology work entrusted to him or her;

- (3) Failing to adequately supervise staff in his or her employ, or staff not in his or her employ who he or she is obliged to supervise;
 - (4) Abandoning his or her practice as a dental technician contractor without prior notice to dentists or other dental technician contractors who have placed orders with him or her as a subcontractor for dental technology work and without arranging with them for the completion and dispatch of such work;
 - (5) Abandoning his or her practice as a registered dental technician contractor for a period of time without a registered and suitably qualified dental technician or dental technologist that can oversee the work and take the required responsibility during the agreed period away from the practice;
 - (6) Failing to inform a dentist or other dental technician subcontractor of any professional limitation, lack of experience or unfamiliarity with a particular material, technique or technology;
 - (7) Failing to reply, within a reasonable period, to any form of correspondence or to deal appropriately with all forms of communication which reasonably require a reply or response;
 - (8) A dental technician or dental technologist who, without the consent of the registrar, publishes in the lay press, under the registrar's name, any articles on dental technology or dentistry which addresses any audience in this respect, whether directly or in any filmed, taped, duplicated or other transmitted form, broadcasting on the radio or television service or otherwise communicating with the public or a section thereof on dental technological or dental subjects.
- Provided that—

- (a) the publication of an article or other relevant information by a dental technician or dental technologist in a professional journal or scientific book, or in specific media of any other profession, for use by the profession and by students of dental technology and dentistry where his or her name and professional qualifications are mentioned; and
- (b) the divulgence in the lay press or on the radio, television, social and other electronic media, under his or her own name, or the expression by means of lectures or addresses to a lay audience of his or her opinions on subjects of a professional nature—
 - (aa) by a full-time or part-time dental technician who is not in private practice, acting in his or her official capacity where such divulgence or expression forms a *bona fide* part of his or her official duties;
 - (bb) by any officer of a dental technicians' association acting in his or her official capacity and in accordance with instructions from such association; and
 - (cc) by any dental technician regarding matters of purely academic nature,shall be admissible; and
- (9) Establishing a website which goes beyond the intention of informing dentists on the services available or informing and educating the public on oral health options in terms of materials and technology available, as well as general instructions on how to take care of newly acquired dental appliances, in which case the website must be designed in such a way that –

- (a) the general information available to the public must be separated from the more detailed and profession-specific information for dentists which must be username and password protected;
- (b) case studies, including photographs, video inserts and animations may be part of what is not username and password protected; and
- (c) contracts, agreements, price structures and other related information must only be available in the protected area of the website, including –
 - (i) bulk short message services (sms) and electronic mails (e-mails) to members of the dental profession, other than to members of the dental technology profession; and
 - (ii) in the case of this type of communication being sent to dentists, it must be directed at an individual which can be followed up on in further direct communication, this subclause must be in adherence to the Electronic Communications Act, 2005 (Act No. 36 of 2005).

10. Defeating or obstructing the council in the performance of its duties

- (1) Failing to comply with an instruction, requirement or request from the council or a request from the registrar or his or her duly appointed and authorised staff; and
- (2) Any wilful act or omission which prevents or is calculated to prevent the council or any of its committees or the registrar or his or her duly and authorised staff from carrying out its or his or her statutory duties with special reference to Chapter 4 of the Act.

11. Canvassing for dental technology work

(1) For the purposes of this clause , canvassing for dental technology work includes—

- (a) (i) canvassing, in person, of employed dental technicians or dental technologists as potential employees during working hours at the place of employment of such potential employees, but this excludes electronic mass communications regarding available work opportunities; and
- (ii) offering or accepting any discount from any dentist on the agreed price for dental technology work –
 - (aa) with the intention that the difference between the amount agreed upon and the discounted amount reflecting on the invoice will be paid to the dentist directly or indirectly either in monetary terms, gifts, favours or otherwise; or
 - (bb) representing him or herself or allowing him or herself to be represented, directly or indirectly, as being prepared to do dental technology work at less than such agreed price ;
- (b) directly or indirectly allowing him or herself to be advertised in order to draw attention to his or her practice, services or his or her professional proficiency, knowledge and qualifications for his or her immediate or eventual professional gain;
- (c) permitting the publication of his or her name in connection with advertisements for dental instruments, appliances or materials;

- (d) permitting the publication of his or her name in connection with advertisements or appeals to the public on behalf of medical health funders, associations or similar commercial organisations; and
 - (e) advertising in any public space, including on public dustbins, at bus stations and taxi ranks, on vehicles or billboards intended for mass advertising or any similar facilities or spaces; and
- (2) Despite subclause (1), a dental technician or dental technologist who is also a dental technician contractor and whose laboratory is registered in accordance with the Act, may not be regarded as being guilty of canvassing for work if he or she –
- (a) advertises in dental technology, dental or related journals or publications recognised by the council;
 - (b) communicates to another dental technician contractor or dentist—
 - (i) that he or she has started a dental laboratory or that he or she is prepared to do dental technology work, specifying only the type of dental technology work that he or she is prepared to do; or
 - (ii) a change of address, or a dissolution of a partnership and the like, which communications must be in writing and enclosed in an envelope bearing the name of the individual dental technician contractor or dentist to whom they are addressed, or by direct electronic communication;
 - (c) publishes, in normal print or electronically, in any official national, regional or local telephone directory –

- (i) his or her name, profession and the name and profession of any partner, or the name of his or her business as approved by the council;
 - (ii) his or her professional or business address; and
 - (iii) his or her fixed line telephone number or his or her and any partner's FICA registered mobile numbers;
- (d) affixes on envelopes for his or her use, his or her name or the name of his or her business as approved by the council, without any title or qualifications and a return address in case of non-delivery;
- (e) in the case of the laboratory being situated in a large building and he or she displays his or her details or the details of his or her business, in accordance with a special provision made by the landlord of the building or the landlord's agent, in the entrance hall of the building and on the floor where the laboratory is situated;
- (f) where no provision is made as contemplated in subclause (2)(e) and in accordance with the bylaws as applicable in the various provinces or local authorities, affixes or causes to be affixed a nameplate not exceeding 1200mm x 600mm at one or more entrances to the building in which his or her laboratory is situated, or at the gate of the premises if the laboratory is situated in a freestanding property, the nameplate must contain no more than –
 - (i) his or her name, or the name of his or her business as approved by the council;

- (ii) the words "Dental Technician Contractor" and his or her official qualification abbreviation;
 - (iii) the words "Registered with the SADTC"; and
 - (iv) the number of the room/s and floor/s where the laboratory is situated;
- (g) affixes or causes to be affixed to the door or directly next to the doorleading to his or her laboratory, a nameplate on which his or her name appears, or the name of his or her business as approved by the council, together with the words "Dental Technician Contractor", his or her official qualification abbreviation and the words "Registered with the SADTC";
- (h) the purpose of the signage referred to in subclause (3)(e), (f) and (g) is to inform and not to advertise and professional integrity must be applied when designing such nameplate;
- (i) participating in any national event where dentistry or dental technology is promoted to members of the public with the intention to educate and raise general awareness regarding oral health care; and
- (j) the following official qualification abbreviations are applicable in terms of subclause (3)(f) and (g):
- (i) **Prof. Cert. of Comp.:** Professional Certificate of Competence which was issued by the South African Dental Mechanics Board as mandated in terms of the Dental Mechanics Act, 1945 (Act No. 30 of 1945) and which allowed the bearer to be registered with

the board as a dental mechanic which is now referred to as a dental technician in terms of section 18 of the Act;

- (ii) **Dip: Dental Technology (SADTC):** Diploma in Dental Technology issued by the SADTC based on the training offered at an approved institution which replaced the Professional Certificate of Competence and allows the bearer to be registered as a dental technician or dental technologist in terms of section 18 of the Act;
- (iii) **ND: Dental Technology (CPUT), (DUT) or (TUT):** National Diploma in Dental Technology which is either post 23 February 2001, being a diploma offered by a council approved institution as contemplated in section 18 of the Act, or a pre-23 February 2001 diploma issued by the Department of National Education in terms of SADTC Regulations R2309 of 16 October 1987 without registration status;
- (iv) **BTech: Dental Technology (CPUT), (DUT) or (TUT):** Baccalaureus Technologiae degree in Dental Technology, being a qualification as contemplated in section 18 of the Act;
- (v) **MTech: Dental Technology (CPUT), (DUT) or (TUT):** Magister Technologiae degree in Dental Technology, being a qualification as contemplated in section 18 of the Act; and
- (vi) **DTech: Dental Technology (DUT) or (TUT):** Doctor Technologiae degree in Dental Technology, being a qualification as contemplated in section 18 of the Act.

- (vii) The anticipated new qualifications aligned to the current NQSF, in due course will replace the current National Diploma: Dental Technology leading to the professional registration as a dental technician as well as the BTech: Dental Technology leading to professional registration as dental technologist will cease to exist post the 2019 academic year.

The Diploma: Dental Technology (240 or 360 credits) and the Advanced Diploma: Dental Technology will replace the current National Diploma; while the Post Graduate Diploma: Dental Technology and Professional Degree: Dental Technology will replace the current BTech: Dental Technology.

- (viii) The MTech: Dental technology and the DTech: Dental Technology has already been replaced by a Masters in Health Science (MHSc) and Doctorate in Philosophy (PhD): Dental Technology. In Both these qualifications there may be students registered for the MTech and DTech completing under these phase-out qualifications. Since 2017 no new students were resisted under these qualifications.

- (ix) Institutions approved by council will introduce and offer the NQSF qualifications as they obtain the necessary approval from CHE and other authorities both internal and external to these institutions.