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GOVERNMENT NOTICES GOEWERMENSKENNISGEWINGS

DEPARTMENT OF HEALTH DEPARTEMENT VAN GESONDHEID

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

No. R. 755

30 Augustus 2010

WET OP GESONDHEIDSBEROEPE, 1974 (WET NO. 56 VAN 1974)**REGULASIES BETREFFENDE INDEMNITEITSDEKKING VIR GEREGISTREERDE
GESONDHEIDSPRAKTISYNS**

Die Minister van Gesondheid het, ingevolge artikel 61(1)(c) van die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974), en in ooreenstemming met die Raad vir Gesondheidsberoepe van Suid-Afrika, die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie regulasies het 'n uitdrukking waaraan daar in die Wet 'n betekenis geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken-

"die Wet" die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974);

"gesondheidspraktisyn" 'n persoon wat by die raad geregistreer is in 'n beroep wat ingevolge die Wet registreerbaar is;

"indemniteitsdekking" versekering gebied deur erkende verskaffers ingevolge die Korttermynversekeringswet, 1998 (Wet No. 53 van 1998), of beroepsindemniteit gebied deur lidmaatskap van 'n erkende vereniging of organisasie, om dekking te verleen vir skade wat kan

ontstaan vanweë 'n onregmatige handeling of versuim deur 'n geregistreerde gesondheidspraktisyn;

"onafhanklike praktyk" praktisering van 'n gesondheidsberoep deur 'n geregistreerde gesondheidspraktisyn vir sy of haar eie rekening, hetsy in *solus*-praktyk, of as 'n vennoot in 'n vennootskap, of as 'n genoot in 'n genootskap met ander praktisyns geregistreer kragtens die Wet, of as 'n direkteur van 'n maatskappy vrygestel van die bepalings van die Wet ingevolge artikel 54A van die Wet;

"raad" die Raad vir Gesondheidsberoepes van Suid-Afrika ingestel ingevolge artikel 2 van die Wet.

Vereistes vir indenniteitsdekking

2. 'n Gesondheidspraktisyn, geregistreer en praktiserend in die kategorie 'onafhanklike praktyk', moet beroepsindenniteitsdekking verkry wat te alle tye volledig in stand gehou moet word.
3. 'n Gesondheidspraktisyn in regulasie 2 bedoel moet-
 - (a) die raad op 'n jaarlikse grondslag voorsien van dokumentêre bewys en besonderhede van die vereiste beroepsindenniteitsdekking; en
 - (b) die beroepsindenniteitsdekking verkry van 'n persoon wat ingevolge artikel 7 van die Korttermynversekeringswet, 1998, geregistreer is om 'n korttermynversekeringszaak te dryf.

Oortreding van Regulasies

4. 'n Gesondheidspraktisyn wat strydig met hierdie regulasies praktiseer, pleeg dae van onprofessionele gedrag wat kan lei tot 'n ondersoek ingevolge Hoofstuk IV van die Wet.

MINISTER VAN GESONDHEID

No. R. 756

30 August 2010

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

REGULATIONS RELATING TO THE REGISTRATION OF STUDENTS AS REGISTERED
COUNSELLORS

The Minister of Health intends, under section 61(1) of the Health Professions Act, 1974 (Act No. 56 of 1974), and after consultation with the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit substantiated comments or representations on the proposed regulations to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Human Resource Stakeholder Relations and Management Services), within three months of the date of publication of this notice.

SCHEDULE

DEFINITIONS

1. In these regulations "**the Act**" means the Health Professions Act, 1974 (Act No. 56 of 1974), and any expression to which a meaning has been assigned in the Act shall bear such meaning, and, unless the context otherwise indicates –

“approved educational institution” means an educational institution which has been granted recognition and approval by the board following an evaluation process as determined by the board;

“board” means the Professional Board for Psychology established in terms of section 15 (1) of the Act;

“section” means a section of the Act;

“student” means a person enrolled as such at an approved educational institution to study towards being a counsellor.

Application for registration

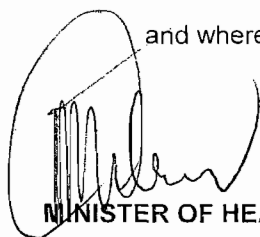
2. A student at an approved educational institution in South Africa must apply to the registrar for registration as a student registered counsellor and—
 - (a) in the case of a student who enrolls at an approved educational institution as a student in his or her first year of study, within two months following such enrolment; or
 - (b) in the case of a student who, on the date of publication of these regulations, had already enrolled at such approved educational institution, within two months after the date of publication of these regulations.
3. An application for registration as a student registered counsellor must be made on a form obtainable from the Health Professions Council of South Africa for that purpose and must be accompanied by—

- (a) a certified copy of the applicant's identity document or such other proof of age and correct names as may be acceptable to the registrar;
 - (b) a certificate to prove that such a student has commenced training leading to the registration as a Registered Counsellor at an approved educational institution, which certificate must specify the year of study and the date on which the student enrolled; and
 - (c) the prescribed registration fee.
4. A student who resumes studies after interruption for a continuous period of more than one year and whose name was consequently removed from the register must submit an application for re-registration as a student within two months of resuming studies.
5. An application referred to in regulation (4) must be accompanied by—
- (a) a certificate to prove that such student has resumed study;
 - (b) original registration certificate as a student or duplicate thereof issued by the registrar; and
 - (c) the prescribed registration fees.
6. Subject to the provisions of section 19 of the Act, the name of a student who interrupted his or her studies for more than one year, but who indicates annually in writing the intention to continue with studies, must be kept on the register until such time such a student continues with studies.

7. An application for registration submitted after the period of two months referred to in regulations (2) and (4) shall be subject to the prescribed penalty fee for late registration in respect of each month or portion of a month for which it is submitted after the due date.
8. The registrar must furnish a student applying for registration as a student with a registration certificate upon registration.
9. Should a student change from one approved educational institution to another during the course of his or her studies, the registrar must be informed within two months of such change.

Information to be submitted to the board

10. An approved educational institution which enrolls student registered counsellor must submit to the Board on or before the 31st of May each year—
 - (a) a list of all students enrolled for that year;
 - (b) a list of all students who have discontinued studies during the preceding year;
 - (c) a list of all students who resumed studies during the preceding year after temporarily discontinuing such studies.
11. The lists referred to in regulation (10) must include the students' full names, year of study and where applicable, the dates of discontinuation or resumption of study.



MINISTER OF HEALTH

DATE: 7/6/2010

No. R. 756

30 Augustus 2010

WET OP GESONDHEIDSBEROEPE, 1974 (WET NO. 56 VAN 1974)**REGULASIES BETREFFENDE DIE REGISTRASIE VAN STUDENT- GEREGISTREERDE BERADERS**

Die Minister van Gesondheid is voornemens om kragtens artikel 61(1) van die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974), en na oorleg met die Raad vir Gesondheidsberoepe van Suid-Afrika, die regulasies in die Bylae uit te vaardig.

Belanghebbendes word versoek om enige gemotiveerde kommentaar of verhoë oor die voorgestelde regulasies skriftelik in te dien by die Direkteur-generaal: Gesondheid, Privaat Sak X828, Pretoria, 0001 (vir die aandag van die Direkteur: Mensehulpbronne: Belanghebberverhoudinge en -bestuur), binne drie maande vanaf die datum van publikasie van hierdie kennisgewing.

BYLAE**Woordomskrywing**

1. In hierdie regulasies beteken "**die Wet**" die Wet op Gesondheidsberoepe, 1974 (Wet No. 56 van 1974), en het 'n uitdrukking waaraan daar in die Wet 'n betekenis geheg is, daardie betekenis, en, tensy uit die samehang anders blyk, beteken –

"**artikel**" 'n artikel van die Wet;

"**beroepsraad**" die Beroepsraad vir Sielkunde ingestel ingevolge artikel 15(1) van die Wet;

"**goedgekeurde opvoedkundige instelling**" 'n opvoedkundige instelling wat erkenning en goedkeuring deur die beroepsraad verleen is na 'n evalueringsproses soos bepaal deur die beroepsraad; en

"**student**" 'n persoon wat as sodanig by 'n goedgekeurde opvoedkundige instelling ingeskryf is om vir berader te studeer.

Aansoek om registrasie

2. 'n Student by 'n goedgekeurde opvoedkundige instelling in Suid-Afrika moet by die registrateur aansoek doen om registrasie as 'n student- geregistreerde berader en—
 - (a) in die geval van 'n student wat by 'n goedgekeurde opvoedkundige instelling inskryf as 'n student in sy of haar eerste studiejaar, binne twee maande vanaf sodanige inskrywing; of
 - (b) in die geval van 'n student wat op die datum van die publikasie van hierdie regulasies reeds by so 'n goedgekeurde opvoedkundige instelling ingeskryf het, binne twee maande vanaf die datum van publikasie van hierdie regulasies.
3. 'n Aansoek om registrasie as 'n student- geregistreerde berader moet gedoen word op 'n vorm wat vir daardie doel verkrygbaar is by die Raad vir Gesondheidsberoepes van Suid-Afrika en moet vergesel gaan van—

- (a) 'n gewaarmerkte afskrif van die aansoeker se identiteitsdokument of sodanige ander bewys van ouderdom en korrekte name wat vir die registrateur aanvaarbaar is;
 - (b) 'n sertifikaat om te bewys dat sodanige student by 'n goedgekeurde opvoedkundige instelling begin het met opleiding wat lei tot registrasie as 'n geregistreerde berader, welke sertifikaat die jaar van studie en die datum waarop die student ingeskryf het, moet spesifiseer; en
 - (c) die voorgeskrewe registrasiegeld.
4. 'n Student wat sy of haar studies hervat na 'n onderbreking vir 'n aaneenlopende tydperk van meer as een jaar, en wie se naam gevolglik uit die register geskrap is, moet binne twee maande na hervatting van studies 'n aansoek indien om herregistrasie as 'n student.
5. 'n Aansoek bedoel in regulasie (4) moet vergesel gaan van—
- (a) 'n sertifikaat om te bewys dat sodanige student sy of haar studie hervat het;
 - (b) 'n oorspronklike registrasiesertifikaat as 'n student of 'n afskrif daarvan, uitgereik deur die registrateur; en
 - (c) die voorgeskrewe registrasiegeld.
6. Behoudens die bepalings van artikel 19 van die Wet, word die naam van 'n student wat sy of haar studie vir langer as een jaar onderbreek het maar wat jaarliks skriftelik sy of haar voorneme aangedui het om met sy of haar studie voort te gaan, op die register gehou totdat sodanige student sy of haar studie voortsit.

7. 'n Aansoek om registrasie wat ingedien is na die tydperk van twee maande in regulasie (2) en (4) bedoel, is onderworpe aan 'n voorgeskrewe boete vir laat registrasie ten opsigte van elke maand of deel van 'n maand wat dit na die vasgestelde datum ingedien is.
8. Die registrateur moet 'n student wat om registrasie as 'n student aansoek doen by registrasie van 'n registrasiesertifikaat voorsien.
9. Indien 'n student in die loop van sy of haar studie van een goedgekeurde opvoedkundige instelling na 'n ander verander, moet die registrateur binne twee maande van sodanige verandering in kennis gestel word.

Inligting wat aan die beroepsraad voorgelê moet word

10. 'n Goedgekeurde opvoedkundige instelling wat student- geregistreerde beraders inskryf, moet elke jaar voor of op 31 Mei die volgende by die beroepsraad indien—
 - (a) 'n lys van al die studente wat vir daardie jaar ingeskryf is;
 - (b) 'n lys van al die studente wat hulle studies in die voorafgaande jaar gestaak het;
 - (c) 'n lys van al die studente wat hulle studies in die voorafgaande jaar hervat het nadat hulle sodanige studies tydelik gestaak het.
11. Die lys in regulasie (10) bedoel moet die studente se volle name, jaar van studie en, waar van toepassing, die datums van staking of hervatting van studie insluit.