GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974

as amended by

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DEPARTMENT OF HEALTH

The Health Professions Council of South Africa, in consultation with the professional boards, and with the approval of the Minister of Health, has, in terms of section 49 read with section 61 (2) and 61A (2) of the Health Professions Act, 1974 (Act No. 56 of 1974), made the rules in the Schedule.

**SCHEDULE**

**ARRANGEMENT OF REGULATIONS**

1. Definitions
2. Interpretation and application
3. Advertising and canvassing or touting
4. Information on professional stationery
5. Naming of a practice
6. Itinerant practice
7. Fees and commission
8. Partnership and juristic persons
8A. Sharing of Rooms
9. Covering
10. Supersession
11. Impeding a patient
12. Professional reputation of colleagues
13. Professional confidentiality
14. Retention of human organs
15. Signing of official documents
16. Certificates and reports
17. Issuing of prescriptions
18. Professional appointments
19. Secret remedies
20. Defeating or obstructing the council or board in the performance of its duties
21. Performance of professional acts
22. Exploitation
23. Medicine and medical devices
23A. Financial interests in hospitals
24. Referral of patients to hospitals
25. Reporting of impairment or of unprofessional, illegal or unethical conduct
26. Research, development and use of chemical, biological and nuclear capabilities
27. Dual registration
27A. Main responsibilities of health practitioners
28. Repeal

ANNEXURE 1
Professional board for dental therapy and oral hygiene
1. Performance of professional acts by dental therapist
2. Performance of professional acts by oral hygienist
3. Performance of professional acts by dental assistant
4. Performance of professional acts by student in dental therapy
5. Performance of professional acts by student in oral hygiene

ANNEXURE 2
Professional board for dietetics rules of conduct pertaining specifically to the profession of dietetics
1. Performance of professional acts by a dietitian
2. Performance of professional acts by assistant dietitian
3. Performance of professional acts by food service manager
4. Performance of professional acts by nutritionist
5. Performance of professional acts by assistant nutritionist
6. Performance of professional acts by student in dietetics
7. Performance of professional acts by student in food service management
8. Performance of professional acts by student in nutrition

ANNEXURE 3
Professional board for emergency care practitioners
1. Performance of professional acts by basic ambulance assistant, emergency care assistant, ambulance emergency assistant, operational emergency orderly or paramedic
2. Performance of professional acts by student basic ambulance assistant, student emergency care assistant, student ambulance emergency assistant or student paramedic
ANNEXURE 4
Professional board for environmental health practitioners
1. Performance of professional acts by environmental health practitioner
2. Performance of professional acts by environmental health assistant
3. Performance of professional acts by food inspector
4. Performance of professional acts by student in environmental health

ANNEXURE 5
Professional board for medical technology
1. Performance of professional acts by medical technologist
2. Performance of professional acts by medical technician
3. Performance of professional acts by intern medical technologist
4. Performance of professional acts by student in medical technology
5. Performance of professional acts by laboratory assistant

ANNEXURE 6
Medical and dental professions board
1. Performance of professional acts by medical practitioner or medical specialist
2. Performance of professional acts by dentist or dental specialist
3. Partnerships and juristic persons
4. Medical specialist and dental specialist
5. Performance of professional acts by biomedical engineer, clinical biochemist, genetic counsellor, medical biological scientist, medical physicist
6. Performance of professional acts by intern in medicine
7. Performance of professional acts by interns in biomedical engineering, clinical biochemistry, genetic counselling, medical biological science or medical physics
8. Performance of professional acts by student in medicine or dentistry
9. Performance of professional acts by a clinical associate

ANNEXURE 7
Professional board for occupational therapy, medical orthotics and prosthetics, and arts therapy
1. Performance of professional acts by an occupational therapist
2. Performance of professional acts by occupational therapy assistant
3. Performance of professional acts by occupational therapy technician
4. Performance of professional acts by student in occupational therapy
5. Performance of professional acts by arts therapist
6. Performance of professional acts by student in arts therapy
7. Performance of professional acts by medical orthotist or prosthetist
8. Performance of professional acts by orthopaedic footwear technician
9. Performance of professional acts by assistant medical orthotist or prosthetist and leatherworker
10. Performance of professional acts by student in medical orthotics or prosthetics

ANNEXURE 8
Professional board for optometry and dispensing opticians
1. Performance of professional acts by optometrist
2. Performance of professional acts by student in optometry
3. Performance of professional acts by dispensing optician
4. Performance of professional acts by dispensing optician student

ANNEXURE 9
Professional board for physiotherapy, podiatry and biokinetics
1. Performance of professional acts by physiotherapist
2. Performance of professional acts by physiotherapy assistant
3. Performance of professional acts by physiotherapy technician
4. Performance of professional acts by student in physiotherapy
5. Performance of professional acts by podiatrist
6. Performance of professional acts by student in podiatry
7. Performance of professional acts by biokineticist
8. Performance of professional acts by student in biokinetics
9. Sharing of rooms

ANNEXURE 10
Professional board for radiography and clinical technology
1. Performance of professional acts by radiographer
2. Performance of professional acts by assistant radiographer
3. Performance of professional acts by radiation laboratory technologist
4. Performance of professional acts by student in radiography
5. Performance of professional acts by student radiation laboratory technologist
6. Performance of professional acts by graduate clinical technologist or clinical technologist registered prior to 1 April 2002
7. Performance of professional acts by clinical technologist qualified after 31 March 2002
8. Performance of professional acts by assistant clinical technologist
9. Performance of professional acts by electroencephalography technician
10. Performance of professional acts by student in clinical technology
11. Performance of professional acts by student electroencephalography technician
ANNEXURE 11
Professional board for speech, language and hearing professions
1. Performance of professional acts by speech therapist or audiologist
2. Performance of professional acts by audiometrician
3. Performance of professional acts by hearing aid acoustician
4. Performance of professional acts by speech and hearing correctionist
5. Performance of professional acts by speech and hearing community worker
6. Performance of professional acts by speech and hearing assistant
7. Performance of professional acts by student in the speech, language and hearing professions

ANNEXURE 12
Professional board for psychology
1. Definitions

CHAPTER 1
PROFESSIONAL COMPETENCE
2. General
3. Competency limits
4. Maintaining competency
5. Adding new competencies
6. Extraordinary circumstances
7. Personal impairment
8. Delegation of work
9. Use of interpreters

CHAPTER 2
PROFESSIONAL RELATIONS
10. Respect for human rights and others
11. Informed consent to professional procedures
12. Unfair discrimination
13. Sexual harassment
14. Other harassment
15. Avoiding harm
16. Conflict of interest
17. Third-party requests for service
18. Multiple relationships
19. Exploitative relationships
20. Cooperation with other professionals
21. Interruption of psychological services
22. Psychological services rendered to or through organisations
23. Delegation and supervision of psychological services
CHAPTER 3
PRIVACY, CONFIDENTIALITY AND RECORDS

24. Rights to confidentiality
25. Discussing exceptions to the requirement of confidentiality
26. Limits on invasion of privacy
27. Disclosures
28. Multiple clients
29. Legally dependent clients
30. Release of confidential information
31. Reporting abuse of children and vulnerable adults
32. Professional consultations
33. Disguising confidential information used for didactic or other purposes
34. Maintenance, dissemination and keeping of records

CHAPTER 4
FEES AND FINANCIAL ARRANGEMENTS

35. Agreement about fees
36. Overcharging
37. Accuracy in billing
38. Limitations
39. Collection of outstanding fees
40. Withholding information, reports or records owing to non-payment
41. Account itemisation
42. Barter with clients
43. Withholding of emergency services

CHAPTER 5
ASSESSMENT ACTIVITIES

44. Assessment in professional context
45. Appropriate use of assessment methods
46. Informed consent in assessments
47. Test development
48. Cultural diversity
49. Communication of results
50. Information for professional users
51. Interpreting assessment results
52. Explaining assessment results
53. Test scoring and interpretation services
54. Release of test data
55. Obsolete tests and outdated test results
56. Maintaining test security

CHAPTER 6
THERAPEUTIC ACTIVITIES
57. Informed consent to therapy
58. Couples or family therapy
59. Group therapy
60. Therapy for those served by others
61. Sexual intimacies with current therapy clients
62. Sexual intimacies with relatives or significant others of current clients or patients
63. Therapy for former sexual partners
64. Sexual intimacies with former clients
65. Interruption of professional services
66. Terminating professional services

CHAPTER 7
PSYCHO-LEGAL ACTIVITIES
67. Competence
68. Basis for psycho-legal opinion
69. Qualified opinions
70. Truthfulness and candour
71. Conflicting roles
72. Maintenance of expert-witness role
73. Prior relationships
74. Role as witness on the facts

CHAPTER 8
ACTIVITIES IN RESPECT OF ADVERTISING AND OTHER PUBLIC STATEMENTS
75. Accuracy in professional representation
76. Statements by others
77. In-person solicitation
78. Description of workshops and educational programmes

CHAPTER 9
TEACHING, TRAINING AND SUPERVISION
79. Design of education and training programmes
80. Descriptions of education and training programmes
81. Accuracy and objectivity in teaching
82. Student or trainee disclosures
83. Mandatory individual or group therapy or experiential activities
84. Assessing performance
85. Sexual intimacies with student, supervisee or trainee

CHAPTER 10
RESEARCH AND PUBLICATION
86. Compliance with law and standards
CHAPTER 11
RESOLVING ETHICAL ISSUES

102. Uncertainty about ethical issues
103. Conflicts between ethics and law
104. Conflicts between ethics and organisational demands
105. Informal resolution of ethical violations
106. Reporting ethical violations
107. Reporting colleague impairment
108. Co-operating with ethics committees
109. Improper complaints
110. Discrimination against complainant or respondent
111. Disciplinary sanctions

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise—

1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise—
“Act” means the Health Professions Act, 1974 (Act No. 56 of 1974);

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “annexure” means an annexure to these rules;

“annexure” means an annexure to these rules;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “association” means a form of practising where two or more practitioners practise for their own account, but share communal assets or facilities;

“association” means a form of practising where two or more practitioners practise for their own account, but share communal assets or facilities;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “board” means a professional board established in terms of section 15 of the Act;

“board” means a professional board established in terms of section 15 of the Act;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “canvassing” means conduct which draws attention, either verbally or by means of printed or electronic media, to one’s personal qualities, superior knowledge, quality of service, professional guarantees or best practice;

“canvassing” means conduct which draws attention, either verbally or by means of printed or electronic media, to one’s personal qualities, superior knowledge, quality of service, professional guarantees or best practice;
Practitioners registered under the Health Professions Act, 1974 /  
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “close collaboration” means consultation by a practitioner at one stage or another in the treatment of a patient with another practitioner and the furnishing by the latter practitioner, at the end of such treatment, of a report on the treatment to the practitioner whom he or she consulted;  

“close collaboration” means consultation by a practitioner at one stage or another in the treatment of a patient with another practitioner and the furnishing by the latter practitioner, at the end of such treatment, of a report on the treatment to the practitioner whom he or she consulted;  

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 /  
REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /  
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “dental specialist” means a dentist who has been registered as a specialist in a speciality or subspeciality in dentistry in terms of the Regulations relating to the Specialities and Subspecialities in Medicine and Dentistry, published under Government Notice No. R. 590 of 29 June 2001;  

“dental specialist” means a dentist who has been registered as a specialist in a speciality or subspeciality in dentistry in terms of the Regulations relating to the Specialities and Subspecialities in Medicine and Dentistry, published under Government Notice No. R. 590 of 29 June 2001;  

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 /  
REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /  
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “dispensing optician” means a person registered as such in terms of the Act and the Rules for the registration of Dispensing Opticians, published under Government Notice No. R. 2339 of 3 December 1976;  

“dispensing optician” means a person registered as such in terms of the Act and the Rules for the registration of Dispensing Opticians, published under Government Notice No. R. 2339 of 3 December 1976;  

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 /  
REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /  
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “impairment” means a mental or physical condition which affects the competence, attitude, judgement or performance of professional acts by a registered practitioner;
“impairment” means a mental or physical condition which affects the competence, attitude, judgement or performance of professional acts by a registered practitioner;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “independent practice” means a practice where a registered health profession is conducted by a health practitioner without the supervision of another health practitioner;

“independent practice” means a practice where a registered health profession is conducted by a health practitioner without the supervision of another health practitioner;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “medical device” means a medical device as defined in section 1 of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965);

“medical device” means a medical device as defined in section 1 of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965);
[Definition of “medical device” inserted by r. 2 (a) of GNR.68 of 2 February 2009.]

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “itinerant practice” means a practice which a practitioner conducts on a regular basis at a location other than at his or her resident practice address;

“itinerant practice” means a practice which a practitioner conducts on a regular basis at a location other than at his or her resident practice address;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “medical scientist” means a person registered under the Act as a biomedical engineer, clinical biochemist, genetic counsellor, medical biological scientist or medical physicist;
“medical scientist” means a person registered under the Act as a biomedical engineer, clinical biochemist, genetic counsellor, medical biological scientist or medical physicist;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “medical specialist” means a medical practitioner who has been registered as a specialist in a speciality or subspeciality in medicine in terms of the Regulations relating to the Specialities and Subspecialities in Medicine and Dentistry, published under Government Notice No. R. 590 of 29 June 2001;

“medical specialist” means a medical practitioner who has been registered as a specialist in a speciality or subspeciality in medicine in terms of the Regulations relating to the Specialities and Subspecialities in Medicine and Dentistry, published under Government Notice No. R. 590 of 29 June 2001;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “optometrist” means a person registered as such under the Act;

“optometrist” means a person registered as such under the Act;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “pharmaceutical concern” means a company registered as such under the Pharmacy Act, 1974 (Act No. 53 of 1974);

“pharmaceutical concern” means a company registered as such under the Pharmacy Act, 1974 (Act No. 53 of 1974);

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “practitioner” means a person registered as such under the Act and, in the application of rules 5, 6 and 9 of these rules, also a juristic person exempted from registration in terms of section 54A of the Act;
“practitioner” means a person registered as such under the Act and, in the application of rules 5, 6 and 9 of these rules, also a juristic person exempted from registration in terms of section 54A of the Act;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise—/ “private practice” means the practice of a health practitioner who practises 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, or as a director of a company established in terms of section 54A of the Act;

“private practice” means the practice of a health practitioner who practises 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, or as a director of a company established in terms of section 54A of the Act;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise—/ “public company” means a company registered as such under the Companies Act, 1973 (Act No. 61 of 1973);

“public company” means a company registered as such under the Companies Act, 1973 (Act No. 61 of 1973);

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise—/ “public service” means a service rendered by the state at the national, provincial or local level of government and includes organizations which function under its auspices or are largely subsidized by the state or recognized by a board for the purposes of these rules;

“public service” means a service rendered by the state at the national, provincial or local level of government and includes organizations which function under its auspices or are largely subsidized by the state or recognized by a board for the purposes of these rules;
has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “resident practice” means a place where a registered health practitioner conducts his or her practice on a daily basis;

“resident practice” means a place where a registered health practitioner conducts his or her practice on a daily basis;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “rooms” means a physical structure, with an exclusive entrance and walled all round for the privacy of patients, the preservation of their confidentiality and the safe keeping of records, where a practitioner conducts his or her practice;

“rooms” means a physical structure, with an exclusive entrance and walled all round for the privacy of patients, the preservation of their confidentiality and the safe keeping of records, where a practitioner conducts his or her practice;

[Definition of “rooms” inserted by r. 2 (b) of GNR.68 of 2 February 2009.]

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “section” means a section of the Act;

“section” means a section of the Act;

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “specialist” means a practitioner who is registered as a specialist in a speciality or subspeciality (if any) in terms of the Regulations relating to the Specialities and Subspecialities in Medicine and Dentistry, published under Government Notice No. R. 590 of 29 June 2001, and who confines his or her practice to such speciality or subspeciality;

“specialist” means a practitioner who is registered as a specialist in a speciality or subspeciality (if any) in terms of the Regulations relating to the Specialities and Subspecialities in Medicine and Dentistry, published under Government Notice No. R. 590 of 29 June 2001, and who confines his or her practice to such speciality or subspeciality;
Practitioners registered under the Health Professions Act, 1974 /  
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “supervision” means the acceptance of liability by a supervising practitioner for the acts of another practitioner; and

“supervision” means the acceptance of liability by a supervising practitioner for the acts of another practitioner; and

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /  
1. Definitions.—In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context indicates otherwise— / “touting” means conduct which draws attention, either verbally or by means of printed or electronic media, to one’s offers, guarantees or material benefits that do not fall in the categories of professional services or items, but are linked to the rendering of a professional service or designed to entice the public to the professional practice.

“touting” means conduct which draws attention, either verbally or by means of printed or electronic media, to one’s offers, guarantees or material benefits that do not fall in the categories of professional services or items, but are linked to the rendering of a professional service or designed to entice the public to the professional practice.

[Definition of “touting” substituted by r. 2 (c) of GNR.68 of 2 February 2009.]

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /  
2. Interpretation and application.—(1) Failure by a practitioner to comply with any conduct determined in these rules or an annexure to these rules shall constitute an act or omission in respect of which the board concerned may take disciplinary steps in terms of Chapter IV of the Act.

2. Interpretation and application.—(1) Failure by a practitioner to comply with any conduct determined in these rules or an annexure to these rules shall constitute an act or omission in respect of which the board concerned may take disciplinary steps in terms of Chapter IV of the Act.

(2) Conduct determined in these rules or an annexure to these rules shall not be deemed to constitute a complete list of conduct and the board concerned may therefore inquire into and deal with any complaint of unprofessional conduct which may be brought before such board.

(3) At an inquiry referred to in subrule (2) the board concerned shall be guided by these rules, annexures to these rules, ethical rulings or guidelines and policy statements which the board concerned or council makes from time to time.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
3. Advertising and canvassing or touting.—(1) A practitioner shall be allowed to advertise his or her services or permit, sanction or acquiesce to such advertisement: Provided that the advertisement is not unprofessional, untruthful, deceptive or misleading or causes consumers unwarranted anxiety that they may be suffering from any health condition.

3. Advertising and canvassing or touting.—(1) A practitioner shall be allowed to advertise his or her services or permit, sanction or acquiesce to such advertisement: Provided that the advertisement is not unprofessional, untruthful, deceptive or misleading or causes consumers unwarranted anxiety that they may be suffering from any health condition.

(2) A practitioner shall not canvass or tout or allow canvassing or touting to be done for patients on his or her behalf.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 /
REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /

4. Information on professional stationery.—(1) A practitioner shall print or have printed on letterheads, account forms and electronic stationery information pertaining only to such practitioner's—

(a) name;
(b) profession;
(c) registered category;
(d) speciality or subspeciality or field of professional practice (if any);
(e) registered qualifications or other academic qualifications or honorary degrees in abbreviated form;
(f) registration number;
(g) addresses (including email address);
(h) telephone and fax numbers;
(i) practice or consultation hours;
(j) practice code number; and
(k) dispensing licence number (if any).

(2) A group of practitioners practising as a juristic person which is exempted from registration in terms of section 54A of the Act or a group of practitioners practising in partnership, shall print or have printed on letterheads, account forms and electronic stationery information pertaining only to such juristic person or partnership practitioners’—

(a) name;
(b) profession;
(c) registered category;
(d) speciality or subspeciality or field of professional practice (if any);
registered qualifications or other academic qualifications or honorary degrees in abbreviated form;

(f) registration number;

(g) addresses (including email address);

(h) telephone and fax numbers;

(i) business hours;

(j) practice code number;

(k) exemption from registration in terms of section 54A of the Act; and

(l) dispensing licence number (if any).

3) A practitioner shall not use prescription forms or envelopes on which the name or address of a pharmacist is printed.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 5. Naming of a practice.—(1) A practitioner shall use his or her own name or the name of a registered practitioner or practitioners with whom he or she is in partnership or with whom he or she practises as a juristic person, as a name for his or her private practice.

5. Naming of a practice.—(1) A practitioner shall use his or her own name or the name of a registered practitioner or practitioners with whom he or she is in partnership or with whom he or she practises as a juristic person, as a name for his or her private practice.

(2) A practitioner referred to in subrule (1) may retain the name of such private practice even if another practitioner, partner of such partnership or member of such juristic person is no longer part of such private practice: Provided that the express consent of the past practitioner or, in the case of a deceased practitioner the consent of the executor of his or her estate or his or her next-of-kin, has been obtained.

(3) A practitioner shall not use, in the name of his or her private practice, the expression “hospital”, “clinic” or “institute” or any other expression which may give the impression that such private practice forms part of, or is in association with, a hospital, clinic or institute.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 6. Itinerant practice.—A practitioner may conduct a regularly recurring itinerant practice at a place where another practitioner is established if, in such itinerant practice, such practitioner renders the same level of service to patients, at the same fee as the service which he or she would render in the area in which he or she is conducting a resident practice.

6. Itinerant practice.—A practitioner may conduct a regularly recurring itinerant practice at a place where another practitioner is established if, in such itinerant practice, such practitioner renders the same level of service to patients, at the same fee as the service which he or she would render in the area in which he or she is conducting a resident practice.
7. Fees and commission.—(1) A practitioner shall not accept commission or any material consideration, (monetary or otherwise) from a person or from another practitioner or institution in return for the purchase, sale or supply of any goods, substances or materials used by him or her in the conduct of his or her professional practice.

(2) A practitioner shall not pay commission or offer any material consideration, (monetary or otherwise) to any person for recommending patients.

(3) A practitioner shall not offer or accept any payment, benefit or material consideration (monetary or otherwise) which is calculated to induce him or her to act or not to act in a particular way not scientifically, professionally or medically indicated or to under-service, over-service or over-charge patients.

(4) A practitioner shall not share fees with any person or with another practitioner who has not taken a commensurate part in the services for which such fees are charged.

(5) A practitioner shall not charge or receive fees for services not personally rendered, except for services rendered by another practitioner in his or her employment or with whom he or she is associated as a partner, shareholder or locum tenens.

8. Partnership and juristic persons.—(1) A practitioner may practise in partnership or association with or employ only a practitioner who is registered under the Act and who is not prohibited under any of the annexures to these rules or any ethical rulings from entering into such partnership or association or being so employed: Provided that, in the case of employment, the practitioner so employed either provides a supportive health care service to complete or supplement the employing practitioner’s healthcare or treatment intervention or is in the same professional category as the employing practitioner.

[Sub-r. (1) substituted by r. 4 of GNR.68 of 2 February 2009.]
A practitioner shall practise in or as a juristic person who is exempted from registration in terms of section 54A of the Act only if such juristic person complies with the conditions of such exemption.

A practitioner shall practise in a partnership, association or as a juristic person only within the scope of the profession in respect of which he or she is registered under the Act.

A practitioner shall not practise in any other form of practice which has inherent requirements or conditions that violate or potentially may violate one or more of these rules or an annexure to these rules.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 8A. Sharing of Rooms.—A practitioner shall not share his or her rooms with a person or entity not registered in terms of the Act.

8A. Sharing of Rooms.—A practitioner shall not share his or her rooms with a person or entity not registered in terms of the Act.

[R. 8A inserted by r. 5 of GNR.68 of 2 February 2009.]

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 9. Covering.—(1) A practitioner shall employ as a professional assistant or locum tenens, or in any other contractual capacity and, in the case of locum tenens for a period not exceeding six months, only a person—

(a) who is registered under the Act to practise in independent practice;

(b) whose name currently appears on the register kept by the registrar in terms of section 18 of the Act; and

(c) who is not suspended from practising his or her profession.

[Sub-r. (1) substituted by r. 6 of GNR.68 of 2 February 2009.]

(2) A practitioner shall help or support only a person registered under the Act, the Pharmacy Act, 1974 (Act No. 53 of 1974), the Nursing Act, 1978 (Act No. 50 of 1978), the Social Service Professions Act, 1978 (Act No. 110 of 1978), the Dental Technicians Act, 1979 (Act No. 19 of 1979), or the Allied Health Professions Act, 1982 (Act No. 63 of 1982), if the professional practice or conduct of such person is legal and within the scope of his or her profession.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 10. Supersession.—A practitioner shall not supersede or take over a patient from another practitioner if he or she is aware that such patient is in active
treatment of another practitioner, unless he or she—

10. **Supersession.**—A practitioner shall not supersede or take over a patient from another practitioner if he or she is aware that such patient is in active treatment of another practitioner, unless he or she—

   
   (a) takes reasonable steps to inform the other practitioner that he or she has taken over the patient at such patient’s request; and

   (b) establishes from the other practitioner what treatment such patient previously received, especially what medication, if any, was prescribed to such patient and in such case the other practitioner shall be obliged to provide such required information.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /

11. **Impeding a patient.**—A practitioner shall not impede a patient, or in the case of a minor, the parent or guardian of such minor, from obtaining the opinion of another practitioner or from being treated by another practitioner.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /

12. **Professional reputation of colleagues.**—A practitioner shall not cast reflections on the probity, professional reputation or skill of another person registered under the Act or any other Health Act.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /

13. **Professional confidentiality.**—(1) A practitioner shall divulge verbally or in writing information regarding a patient which he or she ought to divulge only—

   (a) in terms of a statutory provision;

   (b) at the instruction of a court of law; or

   (c) where justified in the public interest.

   (2) Any information other than the information referred to in subrule (1) shall be divulged by
a practitioner only—

(a) with the express consent of the patient;

(b) in the case of a minor under the age of 12 years, with the written consent of his or her parent or guardian; or

[Para. (b) substituted by r. 7 of GNR.68 of 2 February 2009.]

(c) in the case of a deceased patient, with the written consent of his or her next-of-kin or the executor of such deceased patient’s estate.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 14. Retention of human organs.—(1) A practitioner shall only for research, educational, training or prescribed purposes retain the organs of a deceased person during an autopsy.

(2) The retention of organs referred to in subrule (1) shall be subject—

(a) to the express written consent given by the patient concerned during his or her lifetime;

(b) in the case of a minor under the age of 14 years, to the written consent of such minor’s parent or guardian; or

(c) in the case of a deceased patient who had not previously given such written consent, to the written consent of his or her next-of-kin or the executor of his or her estate.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 15. Signing of official documents.—A student, intern or practitioner who, in the execution of his or her professional duties, signs official documents relating to patient care, such as prescriptions, certificates (excluding death certificates), patient records, hospital or other reports, shall do so by signing such document next to his or her initials and surname printed in block letters.

15. Signing of official documents.—A student, intern or practitioner who, in the execution of his or her professional duties, signs official documents relating to patient care, such as prescriptions, certificates (excluding death certificates), patient records, hospital or other reports, shall do so by signing such document next to his or her initials and surname printed in block letters.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 16. Certificates and reports.—(1) A practitioner shall grant a certificate of illness only if such certificate contains the following information—

16. Certificates and reports.—(1) A practitioner shall grant a certificate of illness only if
such certificate contains the following information—

\(a\)  the name, address and qualification of such practitioner;

\(b\)  the name of the patient;

\(c\)  the employment number of the patient (if applicable);

\(d\)  the date and time of the examination;

\(e\)  whether the certificate is being issued as a result of personal observations by such practitioner during an examination, or as a result of information which has been received from the patient and which is based on acceptable medical grounds;

\(f\)  a description of the illness, disorder or malady in layman’s terminology with the informed consent of the patient: Provided that if such patient is not prepared to give such consent, the practitioner shall merely specify that, in his or her opinion based on an examination of such patient, such patient is unfit to work;

\(g\)  whether the patient is totally indisposed for duty or whether such patient is able to perform less strenuous duties in the work situation;

\(h\)  the exact period of recommended sick leave;

\(i\)  the date of issue of the certificate of illness; and

\(j\)  the initial and surname in block letters and the registration number of the practitioner who issued the certificate.

(2) A certificate of illness referred to in subrule (1) shall be signed by a practitioner next to his or her initials and surname printed in block letters.

(3) If preprinted stationery is used, a practitioner shall delete words which are not applicable.

(4) A practitioner shall issue a brief factual report to a patient where such patient requires information concerning himself or herself.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 17.  Issuing of prescriptions.—(1) A practitioner authorized in terms of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), to prescribe medicines shall issue typewritten, handwritten, computer-generated, pre-typed, pre-printed or standardized prescriptions for medicine scheduled in Schedules 1, 2, 3 and 4 of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), subject thereto that such prescriptions may be issued only under his or her personal and original signature.

17. Issuing of prescriptions.—(1) A practitioner authorized in terms of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), to prescribe medicines shall issue typewritten, handwritten, computer-generated, pre-typed, pre-printed or standardized prescriptions for medicine scheduled in Schedules 1, 2, 3 and 4 of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), subject thereto that such prescriptions may be issued only under his or her personal and original signature.

(2) A practitioner authorized in terms of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), to prescribe medicines shall issue handwritten prescriptions for medicine scheduled in Schedules 5, 6, 7 and 8 of the Medicines and Related Substances Act, 1965 (Act No.
101 of 1965), under his or her personal and original signature.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 18. Professional appointments.—(1) A practitioner shall accept a professional appointment or employment from employers approved by the council only in accordance with a written contract of appointment or employment which is drawn up on a basis which is in the interest of the public and the profession.

(2) A written contract of appointment or employment referred to in subrule (1) shall be made available to the council at its request.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 19. Secret remedies.—A practitioner shall in the conduct and scope of his or her practice, use only—

(a) a form of treatment, apparatus or health technology which is not secret and which is not claimed to be secret; and

(b) an apparatus or health technology which proves upon investigation to be capable of fulfilling the claims made in regard to it.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 20. Defeating or obstructing the council or board in the performance of its duties.—A practitioner shall at all times cooperate and comply with any lawful instruction, directive or process of the council, a board, a committee of such board or an official of council and in particular, shall be required, where so directed to—

(a) respond to correspondence and instructions from the council, such board, a committee of such board or an official of council within the stipulated time frames; and

(b) attend consultation at the time and place stipulated by the council, such board, a committee of such board or an official of council.
21. Performance of professional acts.—A practitioner shall perform, except in an emergency, only a professional act—

(a) for which he or she is adequately educated, trained and sufficiently experienced; and
(b) under proper conditions and in appropriate surroundings.

22. Exploitation.—A practitioner shall not permit himself or herself to be exploited in any manner.

23. Medicine and medical devices.—(1) A practitioner shall not participate in the manufacture for commercial purposes or in the sale, advertising or promotion of any medicine or medical device or in any other activity that amounts to selling medicine or medical devices to the public or keeping an open shop or pharmacy.

(2) A practitioner shall not engage in or advocate the preferential use or prescription of any medicine or medical device which, save for the valuable consideration he or she may derive from such preferential use or prescription, would not be clinically appropriate or the most cost-effective option.

(3) The provisions of subrules (1) and (2) shall not prohibit a practitioner from—

(a) owning shares in a listed company;
(b) manufacturing or marketing medicines whilst employed by a pharmaceutical concern;
(c) whilst employed by a pharmaceutical concern in any particular capacity, performing
such duties as are normally in accordance with such employment; or

(d) dispensing in terms of a licence issued in terms of the Medicines and Related Substances Act, 1965.

(4) A practitioner referred to in subrule (3) shall display a conspicuous notice in his or her waiting room and also duly inform his or her patient about the fact that he or she—

(a) owns shares or has a financial interest in a listed public company that manufactures or markets the medicine or medical device prescribed for that patient; or

(b) is in the employ of or contractually engaged by the pharmaceutical or medical device company that manufactures such medicine or medical device, and shall, subject to subrule (5), obtain the patient’s informed written consent prior to prescribing such medicine or medical device for that patient.

[Sub-r. (4) substituted by r. 8 (d) of GNR.68 of 2 February 2009.]

(5) A practitioner may prescribe or supply medicine or a medical device to a patient: Provided that such practitioner has ascertained the diagnosis of the patient concerned through a personal examination of the patient or by virtue of a report by another practitioner under whose treatment the patient is or has been and such medicine or medical device is clinically indicated, taking into account the diagnosis and the individual prognosis of the patient, and affords the best possible care at a cost-effective rate compared to other available medicines or medical devices and the patient is informed of such other available medicines or medical devices.

[Sub-r. (5) substituted by r. 8 (e) of GNR.68 of 2 February 2009.]

(6) In the case of a patient with a chronic disease the provision of subrule (5) shall not apply.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / 23A. Financial interests in hospitals.—A practitioner may have a direct or indirect financial interest or shares in a hospital or any other health care institution: Provided that—

23A. Financial interests in hospitals.—A practitioner may have a direct or indirect financial interest or shares in a hospital or any other health care institution: Provided that—

(a) such interests or shares are purchased at market-related prices in arm’s length transactions;

(b) the purchase transaction or ownership of such interest or shares does not impose conditions or terms upon the practitioner that will detract from the good, ethical and safe practice of his or her profession;

(c) the returns on investment or payment of dividends is not based on patient admissions or meeting particular targets in terms of servicing patients;

(d) such practitioner does not over-service patients and to this end establishes appropriate peer review and clinical governance procedures for the treatment and servicing of his or her patients at such hospital or health care institution;

(e) such practitioner does not participate in the advertising or promotion of the hospital or health care institution, or in any other activity that amounts to such advertising or promotion;
(f) such practitioner does not engage in or advocate the preferential use of such hospital or health care institution;

(g) the purchase agreement is approved by the council based on the criteria listed in paragraphs (a) to (f) above; and

(h) such practitioner annually submit a report to the council indicating the number of patients referred by him or her or his or her associates or partners to such hospital or health care institution and the number of patients referred to other hospitals in which he or she or his or her associates or partners hold no shares.

[R. 23A inserted by r. 9 of GNR.68 of 2 February 2009.]

24. Referral of patients to hospitals.—(1) A practitioner who has a direct or indirect financial interest or shares in a private clinic or hospital shall refer a patient to such clinic or hospital only if a conspicuous notice is displayed in his or her waiting room indicating that he or she has a financial interest or shares in that clinic or hospital and the patient is duly informed about the fact that the practitioner has an interest or shares in the clinic or hospital to which the patient is referred and the patient’s informed written consent is obtained prior to such referral.

[Heading substituted by r. 10 (a) of GNR.68 of 2 February 2009.]

[Sub-r. (1) substituted by r. 10 (b) of GNR.68 of 2 February 2009.]

(2) . . . . .

[Sub-r. (2) deleted by r. 10 (c) of GNR.68 of 2 February 2009.]

(3) . . . . .

[Sub-r. (3) deleted by r. 10 (c) of GNR.68 of 2 February 2009.]

(4) . . . . .

[Sub-r. (4) deleted by r. 10 (c) of GNR.68 of 2 February 2009.]

(5) . . . . .

[Sub-r. (5) deleted by r. 10 (c) of GNR.68 of 2 February 2009.]

(6) A practitioner may admit a patient to such private clinic or hospital: Provided that such practitioner—

(a) has ascertained the diagnosis of the patient concerned through a personal examination of such patient or by virtue of a report by another practitioner under whose treatment such patient is or has been;
has informed such patient that such admission in such private clinic or hospital was necessary for his or her treatment; and

(c) has obtained such patient’s consent for admission to such private clinic or hospital.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 /
REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
25. Reporting of impairment or of unprofessional, illegal or unethical conduct.—(1) A student, intern or practitioner shall—

25. Reporting of impairment or of unprofessional, illegal or unethical conduct.—(1) A student, intern or practitioner shall—

(a) report impairment in another student, intern or practitioner to the board if he or she is convinced that such student, intern or practitioner is impaired;

(b) report his or her own impairment or suspected impairment to the board concerned if he or she is aware of his or her own impairment or has been publicly informed, or has been seriously advised by a colleague to act appropriately to obtain help in view of an alleged or established impairment, and

(c) report any unprofessional, illegal or unethical conduct on the part of another student, intern or practitioner.

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 /
REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 /
26. Research, development and use of chemical, biological and nuclear capabilities.—(1) A practitioner who is or becomes involved in research, development or use of defensive chemical, biological or nuclear capabilities shall obtain prior written approval from the board concerned to conduct such research, development or use.

26. Research, development and use of chemical, biological and nuclear capabilities.—(1) A practitioner who is or becomes involved in research, development or use of defensive chemical, biological or nuclear capabilities shall obtain prior written approval from the board concerned to conduct such research, development or use.

(2) In applying for written approval referred to in subrule (1), such practitioner shall provide the following information to the board concerned:

(a) Full particulars of the nature and scope of such research, development or use;

(b) whether the clinical trials pertaining to such research have been passed by a professionally recognized research ethics committee;

(c) that such research, development or use is permitted in terms of the provisions of the World Medical Association’s Declaration on Chemical and Biological Weapons; and

(d) that such research, development or use is permitted in terms of the provisions of the applicable international treaties or conventions to which South Africa is a signatory.
27. Dual registration.—A health practitioner who holds registration with more than one statutory council or professional board shall at all times ensure that—

(a) no conflict of interest arises from such dual registration in the rendering of health services to patients;

(b) patients are clearly informed at the start of the consultation of the profession in which the practitioner is acting;

(c) informed consent regarding the profession referred to in paragraph (b) is obtained from the said patient;

(d) patients are not consulted in a dual capacity or charged fees based on such dual consultation; and

(e) the ethical rules applicable at a given moment to the profession in which the practitioner is acting, are strictly adhered to.

27A. Main responsibilities of health practitioners.—A practitioner shall at all times—

(a) act in the best interests of his or her patients;

(b) respect patient confidentiality, privacy, choices and dignity;

(c) maintain the highest standards of personal conduct and integrity;

(d) provide adequate information about the patient’s diagnosis, treatment options and alternatives, costs associated with each such alternative and any other pertinent information to enable the patient to exercise a choice in terms of treatment and informed decision-making pertaining to his or her health and that of others;

(e) keep his or her professional knowledge and skills up to date;

(f) maintain proper and effective communication with his or her patients and other professionals;

(g) except in an emergency, obtain informed consent from a patient or, in the event that the patient is unable to provide consent for treatment himself or herself, from his or her next of kin; and

(h) keep accurate patient records.

[R. 27 inserted by r. 11 of GNR.68 of 2 February 2009.]


(Signed)

ME TSHABALALA-MSIMANG
MINISTER OF HEALTH

Regulations / Professions / HEALTH PROFESSIONS ACT 56 OF 1974 / REGULATIONS / GNR.717 of 4 August 2006: Ethical Rules of Conduct for Practitioners registered under the Health Professions Act, 1974 / Annexure 1

PROFESSIONAL BOARD FOR DENTAL THERAPY AND ORAL HYGIENE