

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
HEALTH PROFESSIONS
AMENDMENT BILL**

[B 10—2006]

(As agreed to by the Portfolio Committee on Health (National Assembly))

[B 10A—2006]

ISBN 0-9585052-0-9

No. of copies printed 800

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HEALTH PROFESSIONS AMENDMENT BILL
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CLAUSE 1

1. On page 2, in line 7, to omit “Ciskeian Nursing Council” and to substitute “council”.
2. On page 2, after line 11, to insert the following definition:

“community representative” means a person appointed by the Minister as community representative and who is not registered in terms of this Act.

CLAUSE 6

1. On page 5, from line 31, to omit all the words after “professional” up to and including “Act]” in line 33 and to substitute:

board: Provided that each professional board shall be entitled to designate at least one person registered in terms of this Act
2. On page 5, after line 33, to insert the following paragraph:

(b) by the substitution in subsection (1) for paragraph (d) of the following paragraph:
“(d) nine **[persons]** community representatives not registered in terms of this Act, appointed by the Minister;”;
3. On page 5, in line 42, to omit “and”.
4. On page 5, after line 42, to insert the following paragraph:

(e) by the deletion in subsection (1) of paragraphs (g) and (h); and

CLAUSE 13

1. On page 9, from line 57, to omit paragraph (fA) and to substitute:

“(fA) the establishment of professional conduct committees, each consisting of so many persons as may be prescribed but including at least three board members or members of the relevant profession and at least two community representatives one of whom shall be the chairperson of such committee;”;

CLAUSE 14

1. On page 10, in line 43, to omit “equity” and to substitute “equity ,”.

CLAUSE 15

1. On page 11, in line 8, to omit “the prescribed” and to substitute “[the **prescribed**] a”.

CLAUSE 17

1. On page 12, in line 27, to omit “prescribe” and to substitute “[**prescribe**] impose”.

CLAUSE 20

1. On page 14, from line 19, to omit all the words after “The” up to and including “person—” in line 22 and to substitute:

[**relevant**] professional board [**concerned**] or a committee to whom the function has been delegated may direct the registrar to, or the registrar acting on the established policies of the professional board may, remove from the register the name of any person—”;

CLAUSE 21

1. On page 15, in line 33, to omit paragraph (e) and to substitute:

(e) who on the basis of a complaint lodged with the Council or information available at the disposal of Council is posing an imminent threat or danger to the public in terms of his or her professional practice.

CLAUSE 24

1. On page 16, in line 28, to omit “the prescribed” and to substitute “[**the prescribed**] a”.

CLAUSE 25

1. On page 17, from line 5, to omit “[**council**] relevant professional board” and to substitute “council”.
2. On page 17, in line 7, to omit “university, [**or**] technikon” and to substitute “university[, **or technikon**]”.

CLAUSE 27

1. On page 17, in line 38, to omit “in” and to substitute “after”.
2. On page 17, from line 38, to omit “and the relevant professional board”.
3. On page 17, in line 40, to omit “[**council**] professional board” and to substitute “council”.
4. On page 17, in line 43, to omit “[**council**] professional board” and to substitute “council”.
5. On page 17, in line 47, after “regulations” to insert “and national health policy and international protocols”.
6. On page 17, in line 47, after “make” to insert “or be subject to”.

7. On page 18, from line 6, to omit subsection (3) and to substitute:

(3) The council may from time to time determine—
(a) the nature of the evaluation which shall be conducted the purpose of subsection (2), the requirements for admission and any other matter relating to such evaluation, including the number of attempts;
(b) the fees which shall be paid by persons who present themselves for such evaluation by persons who present themselves for such evaluation[, the requirements for admission to the evaluation, and any other matter relating to such evaluation, including the number of attempts].
(3A) (a) Despite section 24A, no person with a foreign qualification may be registered in the category independent practice unless he or she is a South African citizen or has attained permanent residence status in terms of the Immigration Act 2002, (Act No. 13 of 2002).
(b) The Council may exempt any person who has applied for exemption and is in the Republic for a temporary and particular purpose.

CLAUSE 28

1. On page 18, in line 23, to omit “in” and to substitute “after”.
2. On page 18, in line 25, to omit “prescribe” and to substitute “determine”.
3. On page 18, in line 28, to omit “prescribe” and substitute “determine”.

CLAUSE 30

1. On page 19, from line 14, to omit “university, technikon” and to substitute “university[, **technikon**]”.

CLAUSE 31

1. On page 19, in line 20, to omit “**Universities, technikons**” and to substitute “**Universities[, technikons]**”.
2. On page 19, in line 24, to omit “university, technikon” and to substitute “university[, **technikon**]”.
3. On page 19, in line 28, to omit “standard of general” and to substitute:
[**standard of general**] evidence of compliance with set standards of
4. On page 19, in line 30, omit paragraph (b) and substitute:
(b) evidence of compliance with the set course of study, training and examinations or assessment methodologies required of a student before such qualification is granted;
5. On page 19, in line 39, to omit “university, technikon” and to substitute “university[, **technikon**]”.
6. On page 19, from line 43, to omit “university, technikon” and to substitute “university[, **technikon**]”.
7. On page 19, in line 46, to omit “university, technikon” and to substitute “university[, **technikon**]”.

8. On page 19, from line 47, to omit all the words after the first “the” up to and including “Act” in line 51 and to substitute:

[Minister may, on the recommendation of the council, by notice in the Gazette declare that any specified qualification granted by such university, technikon or educational institution after a date specified in the notice shall not entitle any holder thereof to registration under this Act] professional board concerned may suspend accreditation of such university or other educational institution referred to in subsection (1) until such time as the concerned university or other educational institution has complied with the conditions and terms determined by the board.

9. On page 19, in line 49, to omit “university, technikon” and to substitute “university[, **technikon**]”.
10. On page 19, from line 53, to omit subsection (3) and to substitute:

“(3) The professional board may, when it has been made to appear to it upon representations made by the affected institution that satisfactory provision has been made for complying with the requirements of this Act by the said institution, reinstate, by notice in the Gazette, the accreditation of that institution.”; and

11. On page 20, in line 4, to omit “university, technikon” and to substitute “university[, **technikon**]”.
12. On page 20, in line 5, to omit “university, technikon” and to substitute “university[, **technikon**]”.

CLAUSE 41

1. On page 25, in line 6, to omit “[**president, the**” and to substitute “**president, [the**”.
2. On page 25, in line 7, after “a” to insert “relevant”.
3. On page 25, from line 7, to omit “the professional board concerned, the chairperson of [**the**] another relevant professional board [concerned]” and to substitute “[**the professional board concerned, the chairperson of the professional body concerned**]”.

CLAUSE 42

1. On page 25, from line 40, to omit all the words after “(1)” up to and including “penalties—” in line 45 and to substitute:

[Every] Any person registered under this Act who, after a determination made by a preliminary committee of inquiry on minor transgressions or an inquiry held by [**the professional board**] a professional conduct committee, is found guilty of improper or disgraceful conduct, or conduct which, when regard is had to such person’s profession, is improper or disgraceful, shall be liable to one or [**other**] more of the following penalties[—]:

CLAUSE 45

1. On page 27, in line 8, after “**shall**” to insert “**in**”.
2. On page 27, in line 8, to omit “in” and to substitute “after”.

CLAUSE 46

1. On page 27, in line 23, to omit “in” and to substitute “after”.

CLAUSE 52

1. On page 29, in line 31, to omit “[**council**] relevant professional board” and to substitute “council”.
2. On page 29, from line 35, to omit “[**council**] relevant professional board” and to substitute “council”.
3. On page 30, in line 7, to omit “[**council**] relevant professional board” and to substitute “council”.
4. On page 30, from line 15, to omit “[**council**] relevant professional board” and to substitute “council”.

CLAUSE 53

1. On page 31, after line 40, to insert the following paragraph:
 - (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
“The Council may make rules or adopt policies relating to—”;

CLAUSE 58

1. On page 33, in line 12, after “Substitution” to insert “or deletion”.
2. On page 33, after line 17, to insert the following subsection:
 - (3) The principal Act is hereby amended by the deletion of the expression “, technikon” in section 31(4).