

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
DENTAL TECHNICIANS
AMENDMENT BILL**

[B 8—97]

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

[B 8A—97]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WYSIGINGSWETSONTWERP
OP TANDTEGNICI**

[W 8—97]

(Soos goedgekeur deur die Portefeuljekomitee oor Gesondheid (Nasionale Vergadering))

[W 8A—97]

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AMENDMENTS AGREED TO

DENTAL TECHNICIANS AMENDMENT BILL
[B 8—97]

CLAUSE 1

1. On page 2, after line 5, to insert the following paragraph:
 - (a) by the insertion after the definition of “approved institution” of the following definition:

“ ‘clinical dental technologist’ means a person who has undergone training in treating patients requiring complete artificial dentures and who is registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);”;
2. On page 2, in line 9, after “[or],” to insert “clinical dental technologist,”.

CLAUSE 2

1. On page 4, in line 41, after “[and]” to insert “clinical dental technologists,”.

CLAUSE 4

1. On page 4, in line 54, to omit “Chief” and to substitute “[**Chief** Director]”.
2. On page 6, in line 7, to omit “persons” and to substitute:

members of the public who shall be appointed from persons nominated by members of the public through the media and
3. On page 6, in line 19, to omit “two dentists” and to substitute “[**dentists** one dentist]”.
4. On page 6, after line 20, to add the following paragraph:
 - (c) by the substitution for subsection (2) of the following subsection:

“(2) Subject to the provisions of section 6 a member of the council shall hold office for a period of five years, but shall be eligible for re-appointment or re-election, as the case may be, for one further period of five years.”
5. On page 6, after line 20, to add the following subsection:
 - (2) Notwithstanding subsection (1) of this section the members of the council as constituted immediately before the commencement of this Act, shall continue to be members thereof, and that council shall be deemed to be duly constituted in terms of section 4 of the principal Act, as amended by subsection (1) of this section, until the new council is constituted in terms of section 4 of the principal Act, as amended by subsection (1) of this section.

CLAUSE 7

1. On page 8, after line 4, to insert the following paragraph:

“(a) establish disciplinary committees, each consisting of such number of persons, appointed by the council, as the council may determine but which shall include at least two members of the council, one of whom shall be the **[chairman]** chairperson and the other the **[vice-chairman]** vice-chairperson of such committee, to investigate and report to the council on any complaint, charge or allegation referred to in section 35(1);
2. On page 8, in line 18, to omit “by a dentist” and to substitute “**[by a dentist]**”.

CLAUSE 8

1. On page 8, in line 31, to omit “by a dentist” and to substitute “**[by a dentist]**”.
2. On page 8, in line 33, to omit “The” and to substitute “**[The]**”.
3. On page 8, in line 36, to omit “Dental Association of South Africa and any other” and to substitute:

[Dental Association of South Africa and any other] Any
4. On page 8, in line 37, to omit “the majority of” and to substitute:

[the majority of] dentists, clinical dental technologists,

CLAUSE 17

1. On page 12, in line 22, to omit “on the recommendation of” and to substitute:

[on the recommendation of] in consultation with

CLAUSE 20

1. On page 14, in line 13, after “dentists,” to insert “clinical dental technologists,”.
2. On page 14, in line 15, after “dentist” to insert “or clinical dental technologist”.
3. On page 14, in line 22, after “dentist” to insert “or clinical dental technologist”.
4. On page 14, in line 24, after “dentist” to insert “or clinical dental technologist”.
5. On page 14, in line 25, after “dentist” to insert “or clinical dental technologist”.

6. On page 14, in lines 55 and 56, to omit “for a period of not less than three years as an employee in a dental laboratory” and to substitute:

[for a period of three years as an employee in a dental laboratory]

7. On page 16, in line 8, after “dentist” to insert “or clinical dental technologist”.
8. On page 16, in line 13, after “dentist” to insert “or clinical dental technologist”.
9. On page 16, in line 20, after “dentist” to insert “or clinical dental technologist”.

CLAUSE 21

1. On page 16, in line 34, after “[or],” to insert “a clinical dental technologist,”.
2. On page 16, in line 51, after “[or],” to insert “a clinical dental technologist,”.

CLAUSE 22

1. On page 18, in line 13, after “dentist” to insert “or clinical dental technologist”.
2. On page 18, in line 22, after “[and],” to insert “clinical dental technologists,”.
3. On page 18, from line 25, to omit paragraph (e) and to substitute:
 - (e) by the substitution for subsection (3) of the following subsection:

“(3) No dentist or clinical dental technologist—

 - (a) shall be the owner of a dental laboratory in which work is performed for any person who is not a patient of that dentist or clinical dental technologist;
 - (b) shall supervise or conduct any dental laboratory in which work is performed for any person who is not a patient of that dentist or clinical dental technologist or the partnership, association or juristic person of which that dentist or clinical dental technologist is a member.”;
4. On page 18, in line 33, after “dentist” to insert “or clinical dental technologist”.
5. On page 18, from line 36, to omit paragraph (g) and to substitute:

(g) by the deletion of paragraph (c) of subsection (4);

CLAUSE 23

1. On page 20, in line 5, after “dentist” to insert “or clinical dental technologist”.
2. On page 20, in line 6, after “dentist” to insert “or clinical dental technologist”.

CLAUSE 25

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 24:

Substitution of section 32 of Act 19 of 1979

25. The following section is hereby substituted for section 32 of the principal Act:

“Discount, commission or remuneration, and direct billing of patient or medical aid scheme

32. (1) No dental technician or dental technologist shall offer or allow to or accept from any dentist any discount on the tariff of fees determined under section 12(1)(b), or may in connection with his or her work as a dental technician or dental technologist, as the case may be, offer, allow or pay any commission or remuneration to a dentist, and no dentist may propose, offer, allow or accept such discount, commission or remuneration to or from any dental technician or dental technologist.

(2) A dental technician contractor shall directly claim from the patient or medical aid scheme concerned for services rendered.”.

CLAUSE 26

1. On page 20, in line 48, after “dentists” to insert “or clinical dental technologists”.
2. On page 22, in line 7, after “dentists” to insert “or clinical dental technologists”.
3. On page 22, in line 13, after “dentists” to insert “or clinical dental technologists”.
4. On page 22, in line 19, after “dentists” to insert “or clinical dental technologists”.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 26:

Amendment of section 33 of Act 19 of 1979

27. Section 33 of the principal Act is hereby amended by the substitution for subsections (1), (2) and (3) of the following subsections:

“(1) No person other than a dentist, a clinical dental technologist or a dental technician contractor shall manufacture, import, buy or be in possession of any unmounted artificial teeth except under a permit issued in accordance with subsection (3): Provided that—

- (a) a dentist or clinical dental technologist may manufacture, import, buy or be in possession of unmounted artificial teeth solely for the purpose of supplying such artificial teeth to persons treated by him or her in the exercise of his or her practice as a dentist or clinical dental technologist, as the case may be; and
- (b) a dental technician contractor may manufacture, import, buy or be in possession of unmounted artificial teeth solely for the purpose of supplying such teeth to a dentist or clinical dental technologist in accordance with the provisions of this Act.

(2) No person shall supply any unmounted artificial teeth to any person who is not a dentist, a clinical dental technologist, a dental technician contractor or the holder of a permit issued under subsection (3).

(3) The council may, subject to the prescribed conditions and upon payment of the prescribed fees, issue a permit to any person authorizing such person to manufacture, import, buy or be in possession of unmounted artificial teeth for the purpose of supplying such artificial teeth to a dentist, a clinical dental technologist, a dental technician contractor or a person who is the holder of a permit issued under this section.”.

CLAUSE 32

1. On page 24, in line 49, after “[and every]” to insert “clinical dental technologist,”.
2. On page 24, in line 51, after “[and]” to insert “clinical dental technologists,”.
3. On page 24, in line 55, after “[or]” to insert “clinical dental technologist,”.

CLAUSE 33

1. On page 26, from line 3, to omit paragraph (a).
2. On page 26, after line 35, to insert the following paragraphs:
 - (e) in subsection (1), by the deletion of the word “and” at the end of paragraph (p) and the addition the following paragraph:

“(q) occupational health conditions concerning harmful practices occurring, and the use of hazardous substances, in all dental laboratories;”;
 - (f) by the substitution for the words following upon paragraph (p) of subsection (1) of the following:

“(r) generally, any matter which in terms of this Act is required to be, or may be, prescribed or which the Minister considers necessary or expedient to prescribe in order that the purposes of this Act may be achieved.”; and

CLAUSE 34

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 33:

Substitution of certain expressions and words in Act 19 of 1979

- 34.** The principal Act is hereby amended—
- (a) by the substitution in section 24(4) for the expression “State President”, wherever it occurs, of the expression “President”;
 - (b) by the substitution in section 36(4)(a) and (c)(ii) and (5) for the word “chairman”, wherever it occurs, of the word “chairperson”;
 - (c) by the substitution in section 48 for the expression “Secretary” of the expression “Director-General”; and
 - (d) by the substitution in those provisions of the principal Act which are not amended, substituted or repealed by any provision of this Act other than this paragraph for the words “he”, “him”, “himself” and “his”, wherever they occur, of the words “he or she”, “him or her”, “himself or herself” and “his or her”, respectively.

NEW CLAUSE

1. That the following be a new Clause to follow Clause 34:

Substitution of long title of Act 19 of 1979

- 35.** The following long title is hereby substituted for the long title of the principal Act:

“ACT

To consolidate and amend the laws relating to the profession of dental technician; to regulate the profession of dental technologist; and to provide for matters connected therewith.”

LONG TITLE

Long Title rejected.

NEW LONG TITLE

1. That the following be a new Long Title:

To amend the Dental Technicians Act, 1979, in relation to the definitions; in order to provide for the recognition of the professions of dental technologist and clinical dental technologist; to constitute a new South African Dental Technicians Council and to make transitional arrangements therefor; to provide for the re-appointment or re-election of a member of that Council for one further term only; to provide for the extension of the acts which may be performed by a dental laboratory assistant; to provide for the registration of dental laboratory assistants; to provide for the direct billing of patients or medical aid schemes by dental

technician contractors; to provide that a business in which acts specially pertaining to the profession of dental technician or dental technologist are performed, may be carried out by associations or juristic persons; to provide that a fine may also be imposed upon a conviction of misconduct; to increase penalties so as to cope with inflation; to amend certain obsolete references; to provide for the rationalisation of certain laws relating to dental technicians that have remained in force in the various territories of the national territory of the Republic by virtue of the Constitution of the Republic of South Africa, 1996; and to provide for matters connected therewith.