# NATIONAL ASSEMBLY

**FOR WRITTENREPLY**

**QUESTION NO. 1664**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 24 JULY 2020**

**(INTERNAL QUESTION PAPER NO. 28)**

**Ms M D Hlengwa (IFP) to ask the Minister of Health:**

(1) What number of cases of illegal health care practitioners has his department identified in the past year;

(2) whether there are plans in place to eradicate the specified trend; if not, why not; if so, what are the full relevant details?

###### NW2055E

**REPLY:**

1. The National Department of Health has not identified cases of illegal health care practitioners in the past year however, there have been complaints of illegal practice by unregistered persons to the statutory health professional councils which fall under the mandate of Health as follows:

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| --- | --- |
| **Statutory Health Professional Council** | **Number of cases reported** |
| Health Professions Council of South Africa (HPCSA) | 1,384 |
| South African Nursing Council (SANC) | 4 (over the past 5 years)  However, the SANC is currently following-up on a number (3,327) of potential cases which were identified during the implementation of the Bargaining Council Resolution that provides for deduction of money from the nurses’ salaries through Persal for payment of annual registration fees with Council.  Most of the cases referred to above were off the SANC register due to non-payment of annual registration fees and invalid identification numbers. |
| South African Pharmacy Council (SAPC) | 1 |
| South African Dental Technicians Council (SADTC) | 82 (due to non-payment of annual fees) |
| Allied Health Professions Council of South Africa (AHPCSA) | 0 (Stats not kept; complaints referred to the South African Police Service) |

1. There are various plans and/or strategies employed by the statutory health professional councils to eradicate the specified trend as follows:
2. Health Professions Council of South Africa (HPCSA): In 2015, as part of the strategies of protecting the public, the HPCSA established a law enforcement and compliance Unit, the Inspectorate Office. The functions of the Inspectorate Office are:
3. to identify and assist in the investigation and prosecution of persons who practice without being registered with the HPCSA;
4. to ensure that healthcare practitioners comply with ethical rules, regulations, the Act and sanctions issued by the disciplinary committee (Professional Conduct Committee);
5. to create awareness and educate the public about the health risks presented by ‘bogus practitioners’ or unregistered persons; and
6. to collaborate with other law enforcement agencies, authorities and regulators in identifying, investigating, arresting and prosecuting ‘bogus practitioners’ or unregistered persons.

Due to financial resource constraints, there are currently 9 inspectors in the Inspectorate Office. However, the number of inspectors employed can be increased to have a larger national footprint. The inspectors are currently deployed as follows: KZN=1; EC=1; WC=1 and the 6 inspectors rotate between GP, Limpopo, FS, NC, and NW according to trends analysis and need.

In addition to the above, the HPCSA through its Inspectorate Office works with other law enforcement agencies and other regulatory bodies which resulted in significant success in dealing with unregistered persons.

1. South African Nursing Council (SANC):  If and when the SANC becomes aware of any person who may be practicing without being registered with the SANC as a nurse (practicing illegally), the SANC investigates and criminal charges are laid against such a person.
2. South African Pharmacy Council (SAPC): The SAPC regularly conducts monitoring inspections of all registered pharmacies and in doing so, eradicates the prevalence of illegal practice.

In addition, the SAPC’s inspector works in partnership with the HAWKS and the South African Health Products Regulatory Authority in the event of Council being aware of any pharmacy being operated with illegal health practitioners.

The legislation pertaining to the access to medicines further makes it very difficult for non-registered persons to gain access to medicines legally.

1. South African Dental Technicians Council (SADTC): The SADTC manages registration of practitioners in accordance with the enabling legislation and regulations which provides for payment of penalties for practitioners to be restored to the register and to continue practicing.

In addition, Council opens criminal cases against persons found to be practicing illegally. In 2019 Council successfully managed to close two illegal laboratories, one in the Western Cape and Eastern Cape. Both were operated by unqualified and unregistered persons. The two cases were successfully prosecuted, and both got maximum penalties.

1. Allied Health Professions Council of South Africa (AHPCSA): The AHPCSA only has legal jurisdiction over persons registered under that Statutory Health Council. Any person who practices a healthcare legally regulated profession without registration, therefore unlawfully, commits a criminal offence and the matter is reported to the law enforcement authorities.

END.