# NATIONAL ASSEMBLY

**FOR WRITTEN REPLY**

**QUESTION NO. 2046**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 26 MAY 2023**

**(INTERNAL QUESTION PAPER NO. 19)**

**Mrs M O Clarke (DA) to ask the Minister of Health:**

In what way will his department assist regarding the disciplinary hearings of certain doctors (names furnished) pertaining to medical negligence at Mediclinic Bloemfontein (details furnished), the allegation made by a certain doctor (name furnished) against the Health Professions Council of South Africa (HPCSA) that it failed to investigate the matter and instead mishandled it and the allegation by a certain doctor (name furnished) that the HPCSA has failed him (details furnished)? **NW2315E**

**REPLY:**

1. According to the Health Professions Council of South Africa (HPCSA),
   * 1. Mr Naas Ferreira had lodged a complaint of unprofessional conduct against Drs Piek, Mostert and Laubser. At inquiry held by the Professional Conduct Committee of the Medical and Dental Professional Board (“the Committee”), Dr Piek and Dr Laubser pleaded guilty and were found guilty of unprofessional conduct.
     2. Dr Mostert pleaded not guilty. Mr Ferreira was then called as a witness against Dr Mostert and after cross examination, the HPCSA closed its case.
     3. Dr Mostert chose to exercise his Constitutional right to remain silent and not to testify in a case against himself.
     4. Dr Mostert legal representation applied for his discharge after HPCSA has closed its case.
     5. The Committee after deliberations found Dr Mostert not guilty of unprofessional conduct.
     6. Mr Ferreira was not happy about the Committee’s decision on Dr Mostert and complained why Dr Mostert did not testify in the case against himself and why his legal representative was the one testifying.
     7. The HPCSA explained to Mr Ferreria that Dr Mostert has a Constitutional right to remain silent and not to testify in a case against himself.
     8. It was also explained to Mr Ferreira that Dr Mostert’s legal representative has a right to represent him and that in doing so the legal representative is not giving evidence.
     9. There was therefore no maladministration or corruption on the part of the HPCSA in handling this case. It was dealt with in terms of the Constitution and the Health Professions Act, 1974.
2. HPCSA investigated the cases which were consolidated and was duly finalised by the Preliminary Committee of Inquiry in 2017, however, an error occurred on the system where one of the consolidated cases was not closed. The matter has since been resolved and the practitioner was informed accordingly. Registration subsequently issued a Certificate of Status in April 2023; and thus, based on HPCSA the matter is resolved.

END.