

# What the HPCSA says about room sharing

Sharing premises seems like the ideal solution, given the economic challenges and pressures facing medical professionals. However, the Health Professions Council of South Africa (HPCSA) has strict guidelines on this.



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The concept of a medical one-stop shop - a medical centre which hosts a variety of doctors and other medically trained individuals - general practitioners, dentists/other specialists - is permitted.

But what is allowed when it comes to sharing with practitioners not registered under the Health Professions Act with those who are?

## The law

According to the HPCSA's legal department said that sharing of rooms on an intermittent/ once a week/ locum basis is strictly prohibited.

In terms of the HPCSA's ethical and professional rules promulgated in *Government Gazette* R717/2006:

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

- The Act referring to is the Health Professions Act, Act No 56 of 1974 (hereinafter referred to as “the Act”)

This would specifically mean that the onus would be on the doctor/ medically trained professional registered in terms of the Act to verify that the person/persons that they intend sharing office space/practice rooms with, is in fact and remains registered in terms of the Act.

The HPCSA also issued a policy document relating to undesirable business practices, in which it is stated, among other things, that if the motive for the proposed employment was to generate income to the employer or to remunerate the employee on a fee-sharing basis, accreditation should not be approved.

## **Tested in court**

Rule 18 of the Ethical Rules of the HPCSA stipulates that an unregistered employer – such as a hospital chain - should obtain accreditation from the medical body to employ healthcare professionals.

This was recently tested by our courts in a matter between a large hospital chain and the HPCSA, where on appeal it was found that: “The criterion that private hospitals should not employ practitioners because of their profit motive, save where the practitioners were employed to undertake emergency services, was possibly unconstitutional as it unfairly discriminated against private hospitals merely because they are profit-driven organisations,” the judge is quoted as saying. “Yet, practitioners in private practice who were also profit-driven were allowed to employ other healthcare professionals registered with the HPCSA.”

Rule 18 is still in effect; however, what was overturned was the decision of the HPCSA that refused the hospitals application for employment of practitioners registered with the HPCSA.

## **Registration with the HPCSA in terms of the Act**

Registration with HPCSA is a prerequisite for all professional practice (Section 17 of the Act).

Anyone wanting to register with the HPCSA needs to apply to the registrar, including the qualification in their submission which entitles them to register, together with proof of identity and good character and of the authenticity and validity of the qualifications submitted, as may be required by the professional board concerned. In order to practice, a medically trained professional must apply to the HPCSA for a practice number which then gives them access to registration with the HPCSA.

Professionals who can register are:

- Dental therapy & oral hygiene
- Dietetics & nutrition
- Emergency care
- Environmental health
- Medical & dental science
- Medical technology
- Occupational therapy, medical orthodontics, prosthetics and arts therapy
- Optometry & dispensing opticians
- Physiotherapy, podiatry and biokinetics
- Psychology
- Radiography & clinical technology
- Speech language and hearing professions

In conclusion, when considering the logistics of where and how to practice as a medical professional, it is important to adhere to the specific rules that the HPCSA prescribes in this regard. The reason for the strict regulation seems to be that the ultimate goal of medical practitioners should be to provide optimum healthcare and not profit, the ethics of the

medical profession are paramount and need to be upheld.

The HPCSA has further indicated that, should these rules not be adhered to, a fine and or penalty can be imposed as well as deregistration.

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