

Dental assistants must register or face prosecution

The Health Professions Council of South Africa (HPCSA) wishes to remind dentists that all dental assistants must be registered with the Council by 31 March 2016 or face criminal prosecution of the dental assistants and the dentists who continue to employ unregistered dental assistants.



© nito500 – [123RF.com](https://www.123RF.com)

History

In 2003, dental assistants in the country approached the HPCSA to request the Council to professionalise their work. In the same year, the regulation of dental assistants was proposed. In April 2005, the HPCSA opened the registration process to dental assistants. At the time, the regulations prescribed qualifications that would enable dental assistants to register. Those that did not register were thus not allowed to practice. The HPCSA as a statutory body is required to act in accordance with the establishing statute, namely the Health Professions Act, which requires that dental assistants should register with the HPCSA if they are to practice.

Through the recommendation of the HPCSA, The Minister of Health amended the regulations. In 2008, dental assistants who were not registered with the HPCSA, but who had five years of experience practicing as dental assistants prior to the amendment were allowed to practice under the grandfather clause. Effectively, this meant that dental assistants that had no qualifications but had practiced for a minimum period of five years, prior to May 2008, were given three months within which to register with the HPCSA.

In 2012, the HPCSA recognised that there were still a number of dental assistants practicing without registration, despite the 2005 regulations and the 2008 amendment. Once again, the HPCSA recommended that unregistered practicing dental assistants be given another opportunity to register with the HPCSA. The Minister of Health subsequently approved the recommendation. This time, unregistered practicing dental assistants were given six months within which to apply for registration.

Legal cases

In March 2014, The North Gauteng High Court recommended that unregistered dental assistants not be subjected to

criminal proceedings and the dentists not be subjected to unprofessional conduct proceedings, until 31 March 2016. This was to allow the dental assistants to obtain the necessary qualifications. This means that the Court put a moratorium on the criminal prosecution of unregistered practicing dental assistants and the prosecution of dentists for employing unregistered practicing dental assistants.

The South African Dental Association appealed the judgement and, in November 2015, the Supreme Court of Appeal, confirmed the decision of the North Gauteng High Court that dental assistants have to be regulated in order to protect the public and dental assistants themselves.

Whilst there are allegations from dental assistants that HPCSA has not assisted them, the HPCSA believes that it has provided a number of opportunities over the years to enable and ensure dental assistants are registered and professionalised. Both the Gauteng North High Court and the Supreme Court rulings are testimony to this.

For more, visit: <https://www.bizcommunity.com>