

# REGULATIONS IN TERMS OF THE ALLIED HEALTH PROFESSIONS ACT, 1982

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The Minister of Health has, under section 38 of the Allied Health Professions Act, 1982 (Act No. 63 of 1982), on the recommendation of the Chiropractors, Homeopaths and Allied Health Service Professions Interim Council, made the regulations in the Schedule.

## SCHEDULE

### INDEX

<b>Subject</b>	<b>Regulation number</b>
Definitions	1
<b>Chapter 1: Constitution of council, professional boards and committees</b>	
Nomination for elected members of council	2
Election of members of council	3
Nomination for appointed members of council	4
Notification of election and appointment	5
First meeting of council	6
Election of chairperson and vice-chairperson of council	7
Executive committee of council	8
Committees of council	9
Constitution of a professional board	10
Nomination for elected members of professional board	11
Election of members of professional board	12
First meeting of professional board	13
Term of office of member of professional board	14
Filling of a vacancy on a professional board	15
Election of chairperson and vice-chairperson of a professional board	16
Powers and duties of chairperson and vice-chairperson of professional board	17
Establishment of committees by professional board	18
Powers of professional board	19
<b>Chapter 2: Registration of practitioners and students</b>	
Procedure for application for registration	20
Indication of profession	21
Temporary registration	22
Registration of students	23
Removal of names from register of students	24
Registration as intern	25
Internship training	26
<b>Chapter 3: Remedies relative to the various professions</b>	
Chiropractic and osteopathy	27
Homoeopathy	28
Phytotherapy	29
Naturopathy	30
<b>Chapter 4: Meetings of council and of subcommittees</b>	
Function of the chairperson	31
Quorum for meetings	32
Conduct of business, procedure at meetings and minute taking	33
Minutes	34
Order of business and debate	35

<b>Chapter 5: Funds of the council</b>	
Accounts of council and professional boards	36
Annual registration fees	37
Exemptions, increases and reductions regarding annual fees	38
New applications for registration	39
Restoration fees	40
Duplicate registration certificate	41
Student fees	42
Allowances	43
<b>Chapter 6: Education and training</b>	
Minimum qualification requirements in terms of section 16B of the Act for purposes of (full) registration	44
Minimum requirements for curricula	45
Minimum qualification requirements in terms of section 16C of the Act for purposes of temporary registration	46
Examinations	47
<b>Chapter 7: Professional practice</b>	
Consulting rooms	48
Partnerships	59
Canvassing or touting	50
Use of names	51
Professional stationery	52
Certificate of indisposition	53
General	54
<b>Repeal</b>	55

#### **Annexures:**

- Annexure A: Application for registration in an allied health profession
- Annexure B: Application for temporary registration in an allied health profession
- Annexure C: Application for registration as a student
- Annexure D: Application for restoration of a student's name to the student register
- Annexure E: Application for internship

#### **Definitions**

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates -

**'acupressure'** means the use of direct pressure applied on acupoints;

For the purposes of the definition of **'acupressure'** -

**'acupoints'** means certain points on the body that are located on meridians and are used to stimulate the meridian in order to treat various conditions of the body;

**'acupuncture'** means the insertion of metal needles through the skin at certain points on the body;

**'advertisement'** means any written, illustrated, visual or other descriptive material or verbal statement or reference -

- (a) which appears on the Internet, in a newspaper, magazine, pamphlet or other publication;
- (b) which is distributed amongst members of the public;
- (c) which has been fixed on to or appears on walls, windows, boards or vehicles; or
- (d) which is brought to the attention of members of the public in any other manner whatsoever, and which is meant to promote a specific practice or a specific practitioner's technique or to make known a specific practitioner's professional proficiency or knowledge;

**'allersodes'** means homoeopathic medicine or substances which are derived from antigens (substances that under suitable conditions can induce the formation of antibodies), including toxins, ferments,

precipitinogens, agglutinogens, opsonogens, lysogens, venins, agglutinins, complements, opsonins, amoebocytes, precipitins, and most original proteins;

**‘annexure’** means an annexure to these Regulations;

**‘association’** means a form of practising where two or more practitioners practise for their own account, but share communal assets;

**‘basic substance’** in relation to -

- (a) the homoeopathic profession, means any substance from which or out of which the homoeopathic mother tincture or the first trituration is prepared or manufactured, or any stronger concentration of such substance; and
- (b) the herbal profession, means any substance obtained from plants or parts of plants from which or out of which a dilution or mixture is prepared or manufactured, or any stronger concentration of such substance;

**‘certified copy’**, in relation to a document, means a copy of the original document certified by a commissioner of oaths to be a true copy of such original document;

**‘compounding’** means the combining or mixing of substances or medicine;

**‘Department’** means the National Department of Health;

**‘disciplinary inquiry’** means an inquiry held in terms of Chapter 3 of the Act by the council or a professional board, acting under powers delegated to it by the council;

**‘dispensing’** means the issuing, interpretation and evaluation of a prescription, the selection, manipulation, preparation, recording and compounding of the medicine, the labelling and supplying of medicines in an appropriate container and the provision of information and instructions to ensure the safe and effective use of a medicine by a patient;

**‘electro-acupuncture’** means the application of low frequency electrical currents (1-1000 Hz) through inserted acupuncture needles with therapeutic intent;

**‘energy’** means the influence of acupunctural therapy on the energy systems of the body which include electrical, magnetic, electromagnetic, biochemical, mechanical and thermal energy, photic or sonic;

**‘former council’** means the Chiropractors, Homeopaths and Allied Health Service Professions Interim Council established by section 2 of the Act prior to the amendment of that section by the Chiropractors, Homeopaths and Allied Health Service Professions Second Amendment Act, 2000;

**‘formulate’**, for the purpose of making a medicine consisting of constituents or substances whether used alone or in combination, means to calculate or determine constituents or substances and the quantities and strengths of such constituents or substances, including the process of preparing or combining such constituents or substances or medicine, and the calculation or determination of the dosage of such medicine;

**‘Health Professions Act, 1974’** means the Health Professions Act, 1974 (Act No. 56 of 1974);

**‘homoeopathic philosophy’** means those principles, techniques, philosophies, theories or ideologies pertaining to techniques or principles of case taking and physical, mental and biochemical examination, prescribing, preparing, manipulating, dispensing, compounding and formulating which are recorded in the Organon of Medicine, in any of the homoeopathic materia medicas, in materia medicas or vade mecum which describe medicine containing homoeopathic substances, in any of the homoeopathic pharmacopoeias, or any other equivalent homoeopathic standard or any other publication on the subject of such principles, techniques, philosophies, theories or ideologies;

For purposes of the definition of **‘homoeopathic philosophy’** -

**‘homoeopathic pharmacopoeias’** means any book in which basic substances, their physical properties,

toxicology, chemical composition, their interaction with other substances, their effects and side-effects and the method of compounding or manufacture are described and may or may not include homoeopathic substances;

‘**materia medicas**’ means any book in which the botanical or chemical properties or the physical character of substances, the natural history of substances, the actions of substances on the body in health and disease, the collective symptoms obtained from experimental study of substances or the therapeutics relating to the application of substances in disease are described and which substances may include homoeopathic substances;

‘**Organon of Medicine**’ means any book written by the founder of homoeopathy, Samuel Hahnemann, in which the principles, philosophy and practice of homoeopathy are described;

‘**vade mecum**’ means any book in which any protocol of treatment or substances, or formulations of substances which may include homoeopathic substances, their application and dosage are described;

‘**homoeopathic principles**’ means the principles which are based upon, obtained from or which form part of homoeopathic philosophy;

‘**homoeopathic substance**’ or ‘**homoeopathic medicine**’ or ‘**homoeopathic remedy**’ means any substance or mixture of substances, preparation, compound, product, device or thing which –

- (a) is compounded, formulated, manufactured, prepared, manipulated, altered or adjusted in accordance with homoeopathic principles, techniques or philosophy;
- (b) is modelled on homoeopathic principles or philosophy or is termed a homoeopathic medicine, remedy or substance;
- (c) is obtained by method of successive dilution and succussion and/or trituration whether achieved manually, mechanically, or electronically including radionics or by whatever means or whatever scale of dilution;
- (d) includes but is not limited to starting substances or which contain or purport to contain or possess or purport to possess properties of such substances;
- (e) consists mainly of or contains substances which are generally regarded or accepted as being homoeopathic medicine, remedy or substances, and includes but is not limited to starting substances, including nosodes, allersodes, isodes and sarcodes;

‘**homoeopathic techniques**’ means the techniques which are based upon or obtained from or which form part of homoeopathic philosophy;

‘**isodes**’ means homoeopathic substances which are derived from botanical, biological, chemical or synthetic substances, or scheduled substance or any medicine, including excipients or binders, which have been ingested or otherwise absorbed by the body and are believed to have produced a disease or disorder which interferes with homeostasis;

For purposes of the definition of ‘**isodes**’ -

‘**homeostasis**’ means internal equilibrium, which is achieved by adjusting the body’s physiological processes;

‘**Korean hand acupuncture**’ means a system of acupuncture therapy comprising a variety of methods of stimulating only the hands or feet directly, but at the same time attaining a therapeutic effect elsewhere on the body;

‘**laser acupuncture**’ means the use of low energy (1 to 21 mw output) laser emissions to stimulate acupuncture points;

‘**magnetic therapy**’ means the use of the polar effects of static magnets of variable strength, applied to acupuncture points with therapeutic intent;

‘**manipulate**’ in relation to –

- (a) homoeopathy, means the changing or altering, whether of the form, appearance, effect, strength, mass, volume or quantity, or the changing in any way of any substance, medicine or thing; and
- (b) chiropractic and osteopathy, means a manual thrust, pressure or manoeuvre directed to a spinal or any other articulation and related soft tissues;

(c) therapeutic massage therapy, means the manipulation of soft tissue by manual means;

**‘massage’**, in relation to massage therapy, means the mobilisation of soft tissue;

**‘medical device’** or **‘device’** means any instrument, appliance, material, machine, apparatus, implant or diagnostic reagent or any other article, whether used alone or in combination, including software necessary for its proper application, which is used for or purports to be suitable for use or which is manufactured or sold for use -

- (a) in the diagnosis, prevention, monitoring, treatment or alleviation of disease;
- (b) in the diagnosis, monitoring, treatment or alleviation of or in compensation for an injury or handicap;
- (c) in the investigation, replacement or modification of the anatomy or of a physiological process;
- (d) in the diagnosis of pregnancy, or contraception, or the termination of pregnancy; or
- (e) in the manufacture, modification, manipulation, preparation, simulation, production, application, induction or transmission of homoeopathic medicine,

and which does not achieve its principal intended action in or on a human or animal body by chemical, pharmacological, immunological or metabolic means, but which may be assisted in its function by such means;

**‘medicine’** means any substance or mixture of substances intended to be used by, or administered to, human beings for any of the following purposes:

- (a) Treating, preventing or alleviating symptoms of disease, abnormal physical or mental states or the symptoms thereof,
- (b) diagnosing disease or ascertaining the existence, degree or extent of a physical condition,
- (c) preventing or interfering with the normal operation of physiological function, whether permanently or temporarily and whether by way of terminating, reducing, postponing or increasing or accelerating the operation of that function;

and includes any substance which originates from a plant, mineral, chemical or animal and is used or intended to be used for, or purported to be useful in, complementing the healing power of a human or animal body in the treatment, modification, alleviation or prevention of disease, abnormal physical or mental state or the symptoms thereof in a human being or animal, and includes, but is not limited to, any homoeopathic substance;

**‘Medicines and Related Substances Control Act, 1965’** means the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965);

**‘member’** means a member of the council or a professional board, as the case may be;

**‘meridians (channel theory)’** in accordance with Chinese medicine theory, means the subtle energy pathways by which qi is circulated through the body;

**‘naturopathy’** means a system of healing based on promoting health and treating disease using the body's inherent biological healing mechanisms to self-heal through the application of non-toxic methods;

**‘nosodes’** means homoeopathic substances which are derived from pathological organs or tissues, including causative agents such as bacteria, fungi, ova, parasites, virus particles, yeast or disease products or excretions;

**‘NQF’** means the National Qualifications Framework established by the South African Qualifications Authority in terms of the South Africa Qualifications Authority Act, 1995 (Act No. 58 of 1995);

**‘prepare’** means all acts pertaining to the making or changing or adapting or manipulating of a substance or medicine, or the putting together or making ready by combining of various elements, substances or ingredients, or the making ready of substances or constituents or medicine for the purpose of compounding or manipulating or dispensing;

**‘private practice’** means a practice where a practitioner works for his or her own account;

**‘qi gong’** means a Chinese system of physical exercise, breathing and mental training, which has the aim of strengthening and controlling the circulation of the body's energy;

**‘residence’** means any dwelling, flat, room, suite or set of rooms used by a person registered in terms of the Act, or his or her family or other persons for residential purposes;

**‘sarcodes’** means homoeopathic substances which are derived from wholesome organs or tissues obtained from healthy animals;

**‘substance’** means anything which, whether used alone or in combination in either its original or natural state or in compounded, manipulated or prepared form, constitutes a medicine or forms part of a medicine or which is a basic or starting substance;

**‘the Act’** means the Allied Health Professions Act, 1982 (Act No. 63 of 1982);

**‘therapeutic massage therapy’** means a massage therapy treatment delivered for a specific therapeutic outcome;

**‘therapeutic reflexology’** means the stimulation of the hands, feet, ears and body, including specific pressure techniques or mobilisation of hands and feet for a therapeutic outcome.

## **CHAPTER 1 CONSTITUTION OF COUNCIL, PROFESSIONAL BOARDS AND COMMITTEES**

### **Nomination for elected members of council**

2. (1) The registrar shall, by means of an advertisement in the form of a notice placed in at least two newspapers with national circulation and a letter sent by mail, facsimile or electronic mail to every practitioner registered in terms of the Act at the last address, facsimile number or electronic mail address submitted by that practitioner to the council, call for nominations of registered practitioners in the professions contemplated in section 5(1)(a) of the Act.
- (2) A nomination form approved by the council for the election of members contemplated in section 5(1) of the Act shall be sent by the registrar in the manner contemplated in subregulation (1) to all registered practitioners and shall contain the information that all nominations for membership of the council should be received by the registrar at the council's official address by a date that shall be at least 14 days after the date of publication of that notice.
- (3) A nomination contemplated in subregulation (2) shall -
  - (a) be in writing;
  - (b) be signed by the person making the nomination;
  - (c) state which profession the nominee is being nominated to represent on the council;
  - (d) provide for the nominee to declare that he or she complies with section 6(1) of the Act, in that:
    - (i) he or she is not an unrehabilitated insolvent;
    - (ii) he or she is not disqualified in terms of the Act or the Health Professions Act, 1974 from practising his or her profession; or
    - (iii) he or she is a South African citizen who is permanently resident in the Republic;
  - (e) be signed by the nominee as indication of his or her acceptance of the nomination and willingness to serve on the council should he or she be elected thereto; and
  - (f) be accompanied by the nominee's council registration number and a one page summary of his or her curriculum vitae.
- (4) On the closing date determined in the notice and the letter contemplated in subregulation (1), the registrar shall check all the nominations received for compliance with the criteria set out in section 6(1) of the Act and shall in writing inform those persons who have been nominated but who in his or her

own opinion do not comply with the criteria for membership of the council and the persons who have nominated those persons, giving reasons for the rejection of the nomination.

#### **Election of members of council**

3. (1) The registrar shall prepare a ballot form in a different colour or on different paper for each profession registered in terms of the Act and such ballot form shall contain -
  - (a) the names of all nominated persons within the profession concerned, in alphabetical order, with a block next to each name for voting purposes;
  - (b) the date by which the completed ballot form should be received by the registrar, which date shall be at least two weeks after the date of mailing of the ballot forms; and
  - (c) instructions to be complied with to ensure the confidentiality of the votes.
- (2) The registrar shall by certified, registered or priority mail send to every practitioner registered in terms of the Act -
  - (a) a ballot form for each profession for which he or she is registered, accompanied by a one page curriculum vitae of each nominee reflected on the ballot form;
  - (b) a smaller envelope for each ballot form marked with the name of the relevant profession, in which the completed ballot slip is to be placed and sealed; and
  - (c) a large, stamped envelope addressed to the registrar and which, for checking purposes, reflects an indication of the practitioner's council registration number, in which the ballot form or forms must be returned.
- (3) Within 24 hours of the closing date for the receipt of ballot forms the registrar shall deliver all ballot forms received, still sealed, to the council's auditors who shall open the envelopes, count the votes received and within one week inform the registrar in writing of the result of the election.
- (4) In the event of the outcome of the election being undecided as a result of an equal number of the highest number of votes being cast for more than one person for the position of member of the council, a further ballot shall be held within one week of the result contemplated in subregulation (3), with votes being cast for those persons only.
- (5) In the event of a further ballot contemplated in subregulation (4), the provisions of subregulations (1), (2) and (3) shall *mutatis mutandis* apply.

#### **Nomination for appointed members of council**

4. (1) The registrar shall by means of an advertisement placed in at least one newspaper with national circulation call for nominations of the five members of the council to be appointed by the Minister under section 5(1)(b)(ii) and (iii) of the Act.
- (2) The advertisement contemplated in subregulation (1) shall state the disqualifications for council membership and direct that nominations be sent directly to the Director-General.
- (3) A nomination form for persons to be appointed by the Minister to the council under section 5(1)(b) of the Act shall contain the information that all such nominations should be received by the Director-General by a date at least 14 days after the date of publication of the notice.
- (4) A nomination contemplated in subregulation (2) shall -
  - (a) be in writing;
  - (b) be signed by the person making the nomination;
  - (c) provide for the nominee to declare that he or she complies with section 6(1) of the Act, in that -
    - (i) he or she is not an unrehabilitated insolvent;
    - (ii) he or she, if being nominated as a community representative on the council, is not registered under the Act; and
    - (iii) he or she is a South African citizen who is permanently resident in the Republic;

- (d) be signed by the nominee as indication of his or her acceptance of the nomination and willingness to serve on the council should he or she be appointed thereto, and shall request that the nomination be accompanied by a detailed curriculum vitae of the nominee.

#### **Notification of election and appointment**

5. The registrar shall inform the Minister in writing of the names of the members elected to serve on the council by the registered practitioners and shall publish the names of the elected members and the appointed members of the council and the date of commencement of their period of office in the Gazette as soon as possible after the constitution of the council.

#### **First meeting of council**

6. The registrar shall convene the first meeting of every newly constituted council.

#### **Election of chairperson and vice-chairperson of council**

7. (1) At the first meeting of the council the members present shall elect from among their number a chairperson and a vice-chairperson, who shall hold office for one year, unless one of them resigns or ceases to be a member before the expiry of his or her term of office.
- (2) The election shall be by ballot and the ballot papers shall be counted by the registrar.
- (3) Any member shall be competent to nominate by ballot a member for the office of chairperson, and the registrar shall announce the names of the members so nominated and arrange for a vote by ballot.
- (4) Every vote cast in a ballot contemplated in subregulation (3) for any person who was not nominated shall be void and invalid.
- (5) If more than two persons are nominated, the candidate obtaining the lowest number of votes in the first ballot shall be eliminated, and thereafter successive ballots shall be taken with one candidate being eliminated each time until only two candidates remain, when the ballot shall be final, except in the case of an equality of votes.
- (6) In the case of an equality of votes affecting the elimination of any candidate or the result of the final ballot, a further ballot shall be taken and, if such ballot is indecisive, the result of the ballot shall be decided by drawing lots.
- (7) After the chairperson has been elected, he or she shall take the chair and the members shall proceed to elect a vice-chairperson, following the procedure prescribed in this regulation: Provided that in the event of an equality of votes the chairperson shall have a casting vote.

#### **Executive committee of council**

8. (1) At the first meeting of the council held after the election of the chairperson and the vice-chairperson contemplated in regulation 7, the executive committee of the council shall be appointed and shall consist of the chairperson of the council, the vice-chairperson of the council and three other members of the council.
- (2) The chairperson shall call for nominations for the three other members of the council to serve on the executive committee of the council.
- (3) The ballot procedure prescribed in regulation 7 shall apply *mutatis mutandis* if more than three members of the council are nominated to serve on the executive committee.



### **Committees of council**

9. (1) The council shall appoint such other council committees as the council may deem necessary, to investigate and report to the council on any matter falling within the scope of its functions and each such committee shall have at least one member of the council as a member.
- (2) The council shall appoint the chairperson and the vice-chairperson of any committee referred to in subregulation (1) and the chairperson of any such committee shall be a member of the council.

### **Constitution of a professional board**

10. (1) The council shall, at its first meeting held after every constitution of a new professional board in terms of section 10A(1) of the Act, make a decision regarding which community representative appointed to the council shall also be nominated to serve on each professional board.
- (2) The council shall submit its nomination contemplated in subregulation (1) to the Minister for purposes of the Minister appointing, in terms of section 10A(5) of the Act, such community representative to the relevant professional board.
- (3) A professional board shall consist of at least two but no more than three elected representatives who are registered practitioners in each of the professions falling under the relevant professional board and the community representative contemplated in subregulation (1).

### **Nomination for elected members of professional board**

11. (1) The registrar shall by means of a letter sent by mail, facsimile or electronic mail to every practitioner registered in terms of the Act at the last address, facsimile number or electronic mail address submitted by that practitioner to the council, call for nominations of registered practitioners in the following professions -
  - (a) persons who are registered under the Act as ayurveda practitioners and who shall be voted for by registered ayurveda practitioners;
  - (b) persons who are registered under the Act as practitioners of Chinese medicine and acupuncture and who shall be voted for by registered practitioners of Chinese medicine and acupuncture;
  - (c) persons who are registered under the Act as chiropractors and who shall be voted for by registered chiropractors;
  - (d) persons who are registered under the Act as homoeopaths and who shall be voted for by registered homoeopaths;
  - (e) persons who are registered under the Act as naturopaths and who shall be voted for by registered naturopaths;
  - (f) persons who are registered under the Act as osteopaths and who shall be voted for by registered osteopaths;
  - (g) persons who are registered under the Act as phytotherapists and who shall be voted for by registered phytotherapists;
  - (h) persons who are registered under the Act as therapeutic aromatherapists and who shall be voted for by registered therapeutic aromatherapists;
  - (i) persons who are registered under the Act as therapeutic massage therapists and who shall be voted for by registered therapeutic massage therapists; and
  - (j) persons who are registered under the Act as therapeutic reflexologists and who shall be voted for by registered therapeutic reflexologists.
- (2) A nomination form approved by the council for the election of persons registered in terms of the Act to the professional boards shall be sent by the registrar in the manner contemplated in subregulation (1) to all registered practitioners and shall contain the information that all nominations for membership of a professional board should be received by the registrar at the council's official address by a date that shall be at least 14 days later than the date of the letter.

- (3) A nomination contemplated in subregulation (2) shall -
- (a) be in writing;
  - (b) be signed by the person making the nomination;
  - (c) state which profession the nominee is being nominated to represent on the professional board;
  - (d) provide for the nominee to declare that he or she complies with section 10B(1) of the Act, in that -
    - (i) he or she is not an unrehabilitated insolvent;
    - (ii) he or she is not disqualified in terms of the Health Professions Act, 1974 from practising his or her profession; or
    - (iii) he or she is a South African citizen permanently resident in the Republic;
  - (e) be signed by the nominee as indication of his or her acceptance of the nomination and willingness to serve on the professional board should he or she be elected thereto; and
  - (f) be accompanied by the nominee's council registration number and a one page summary of his or her curriculum vitae.
- (4) On the closing date determined in the letter contemplated in subregulation (1), the registrar shall check all the nominations received for compliance with the criteria set out in section 10B(1) of the Act and shall in writing inform those persons who have been nominated but who in his or her opinion do not comply with the criteria for membership of a professional board and the persons who have nominated those persons, giving reasons for the rejection of the nomination.

#### **Election of members of professional board**

12. (1) The registrar shall prepare a ballot form in a different colour or on different paper for each professional board established in terms of section 10A of the Act and such ballot form shall contain -
- (a) the names of all nominated persons within each of the professions concerned, in alphabetical order, with a block next to each name for voting purposes;
  - (b) the date by which the completed ballot form should be received by the registrar, which date shall be at least two weeks after the date of mailing of the ballot forms; and
  - (c) instructions that must be complied with to ensure the confidentiality of the votes.
- (2) The registrar shall by certified, registered or priority mail send to every practitioner registered in terms of the Act -
- (a) a ballot form for each profession for which he or she is registered, accompanied by a one page curriculum vitae of each nominee reflected on the ballot form;
  - (b) a smaller envelope for each ballot form, which is blank and in which the completed ballot slip must be placed and sealed; and
  - (c) a larger, stamped envelope addressed to the registrar and which for checking purposes reflects an indication of the practitioner's council registration number in which the ballot form or forms must be returned.
- (3) Within 24 hours after the closing date for the receipt of ballot forms the registrar shall deliver all ballot forms received, still sealed, to the council's auditors who shall open the envelopes, count the votes received and within one week inform the registrar in writing of the result of the election.
- (4) In the event of the outcome of the election being undecided as a result of an equal number of the highest number of votes being cast for more than one person for the position of member of the council, a further ballot shall be held within one week after the result contemplated in subregulation (3), with votes being cast for those persons only.
- (5) In the event of a further ballot contemplated in subregulation (4), the provisions of subregulations (1), (2) and (3) shall apply *mutatis mutandis*.

#### **First meeting of professional board**

13. The registrar shall convene the first meeting of every newly constituted professional board.

**Term of office of member of professional board**

14. The term of office of a member of a professional board shall be five years: Provided that members of a professional board may serve one further term of office of five years.

**Filling of a vacancy on a professional board**

15. A vacancy on a professional board arising from a circumstance referred to in section 10B(2) of the Act or caused by the death of a member shall be filled by election by registered practitioners falling under the relevant professional board and in the manner in which the vacating member was required to be elected.

**Election of chairperson and vice-chairperson of a professional board**

16. (1) At the first meeting of every newly constituted professional board the members present shall elect from among their number a chairperson and a vice-chairperson who shall hold office for one year, unless one of them resigns or ceases to be a member before the expiry of his or her term of office.
- (2) The election shall be by ballot and the ballot papers shall be counted by the registrar.
- (3) Any member shall be competent to nominate by ballot a member for the office of chairperson, and the registrar shall announce the names of the members so nominated and arrange for a vote by ballot.
- (4) Every vote cast in a ballot contemplated in subregulation (3) for any person who was not nominated shall be null and void.
- (5) If more than two persons are nominated, the candidate obtaining the lowest number of votes in the first ballot shall be eliminated and thereafter successive ballots shall be taken with one candidate being eliminated each time until only two candidates remain, when the ballot shall be final, except in the case of an equality of votes.
- (6) In the case of an equality of votes affecting the elimination of any candidate or the result of the final ballot, a further ballot shall be taken and, if such ballot is indecisive, the result of the ballot shall be decided by drawing lots.
- (7) After the chairperson has been elected, he or she shall take the chair and the members shall proceed to elect a vice-chairperson, following the procedure prescribed by this regulation: Provided that in the event of an equality of votes the chairperson shall have a casting vote.

**Powers and duties of chairperson and vice-chairperson of professional board**

17. (1) The chairperson shall preside at all ordinary and special meetings of a professional board and shall be responsible for the proper conduct of its meetings and, if during a meeting a procedural problem arises which is not provided for in these regulations, the chairperson shall determine the procedure to be followed.
- (2) In the absence of the chairperson, the vice-chairperson shall take the chair at a meeting of a professional board.
- (3) In the absence of the chairperson, the vice-chairperson shall perform all the duties of the chairperson.
- (4) If both the chairperson and the vice-chairperson are absent from a meeting of a professional board, the members present at that meeting shall forthwith from among their number elect an acting chairperson, who shall perform all the duties of chairperson until the chairperson or vice-chairperson resumes his or her duties or vacates his or her office.

- (5) The chairperson, vice-chairperson or acting chairperson presiding at a meeting shall, in the case of an equality of votes, have a casting vote.
- (6) The chairperson shall, *ex officio*, be a member of the executive committee of a professional board and chairperson of that committee.

#### **Establishment of committees by professional board**

- 18. A professional board –
  - (a) may from time to time establish any standing committee that it may deem necessary, consisting of as many persons, appointed by the professional board, as the professional board may determine, but including at least one member of the professional board who shall be the chairperson of such committee, and shall determine the composition, quorum, and terms of reference of each committee so established;
  - (b) shall, at its first meeting of each year, appoint the members of the committees established in terms of paragraph (a);
  - (c) shall establish an executive committee, consisting of as many persons, appointed by the professional board, as the professional board may determine, but including at least one member of the professional board who shall be the chairperson of such executive committee;
  - (d) may from time to time, as the need arises, establish any *ad hoc* committee that may be required to investigate and report on the matters as may be referred to that *ad hoc* committee by the professional board;
  - (e) may, subject to the provisions of regulation 16 and subregulation (2), delegate to any committee established under this regulation or to any person the powers that it may from time to time determine, but shall not be divested of any power so delegated; and
  - (f) may co-opt any person to be a member of the professional board or of a committee of the professional board.

#### **Powers of professional board**

- 19. (1) A professional board may recommend to the council that the name of a practitioner be removed from the relevant register if that practitioner –
  - (a) has died;
  - (b) has left the Republic permanently or was absent from the Republic without the council's permission for a continuous period of more than three years;
  - (c) has failed to pay any fees, including annual fees, which he or she owes the council, within three months after the date upon which payment became due;
  - (d) has failed to notify the registrar of any change in his or her residential address or postal address or in the address of his or her practice within three months after any such change;
  - (e) has requested that his or her name be removed from the register, in which case he or she may be required by the registrar to lodge with him or her an affidavit or affirmation to the effect that no disciplinary or criminal action is being or is likely to be taken against that practitioner;
  - (f) has been registered in error or through fraud; or
  - (g) is impaired and unable to practise the profession for which he or she is registered in terms of this Act.
- (2) A professional board may recommend to the council to restore to the register a name removed therefrom by virtue of any provision of subregulation (1) if the person concerned –
  - (a) applies on the form provided by the council for the restoration of his or her name to the register;
  - (b) pays the fee referred to in regulation 42;
  - (c) is found fit by the relevant professional board to continue to practise his or her profession.
- (3) A professional board may perform any other function that it may from time to time determine, subject to the prior approval of the council.

**CHAPTER 2:  
REGISTRATION OF PRACTITIONERS AND STUDENTS**

**Procedure for application for registration**

20. (1) Any person who desires to be registered as a practitioner of an allied health profession shall apply to the council for registration on the council's official application form in the form of Annexure A, and that application shall be accompanied by the qualification, fees and proof contemplated in section 15(1)(a), (b) and (c) and (2) of the Act –
- (2) a certificate of registration shall reflect -
- (a) the applicant's full names;
  - (b) his or her identity number;
  - (c) the council's registration number;
  - (d) the council's certificate number;
  - (e) the professional register on which the applicant is registered; and
  - (f) the date of registration.
- (3) The particulars referred to in subregulation (2) shall be entered in the appropriate register.
- (4) If a practitioner has duly paid his or her fees for any particular year, he or she shall be deemed to be re-registered for that year.
- (5) A person who is practising a profession at the time when the register is opened for such profession, shall apply to the council for registration within six months of such register being established.

**Indication of profession**

21. A person who is registered as a practitioner in an allied health profession may in terms of section 17 of the Act, indicate such profession upon his or her nameplate, business card, letterhead or stationery used by such practitioner in the conduct of his or her practise.

**Temporary registration**

22. (1) An application for temporary registration shall be made on the council's official application form provided for in Annexure B and shall be accompanied by -
- (a) the qualification(s) which in the applicant's submission entitles him or her to temporary registration;
  - (b) a registration fee of R620 and the application fee of R285;
  - (c) proof of identity, citizenship, good character and the authenticity and validity of the qualification(s) submitted;
  - (d) proof of being in good standing with any council, board, or authority which controls or previously controlled or regulates or previously regulated the profession in respect of which the applicant is applying for registration; and
  - (e) any further documents and information that the council may request.
- (2) The council may refer an application to the relevant professional board for comment.
- (3) A person intending to sit for an examination referred to in section 16C(3) of the Act shall pay an examination fee of R1 200 to the council for every sitting of the examination.
- (4) A person who has failed the examination contemplated in subregulation (3) on two occasions shall not be permitted to sit again for such an examination unless the professional board recommends such further sitting to the council and the council approves.

### Registration of students

23. (1) Any person who desires to be registered as a student of an allied health profession shall apply to the council for registration on the council's official application form in the form of Annexure C, and that application shall be accompanied by –
- (a) in the case of a first year student -
    - (i) a copy of the relevant page of the student's identity document which indicates his or her identity number, full names, surname and nationality;
    - (ii) a copy of his or her matriculation or highest secondary school certificate as well as if such student is already registered under the Act, the Health Professions Act, 1974, the Pharmacy Act, 1974 (Act No. 53 of 1974) or the Nursing Act, 1978 (Act No. 50 of 1978), a copy of his or her registration certificate and a copy of the qualification which allowed him or her such registration;
    - (iii) a certificate from the relevant educational institution on official stationery indicating the date of enrolment, date of commencement of studies, student number and the course of study in which the student is enrolled; and
    - (iv) the application fee for registration as a student of R150;
  - (b) in the case of a student applying for registration beyond the first year -
    - (i) a certificate from the relevant educational institution on official stationery indicating date of enrolment, date of commencement of studies, student number, the course of study and the year of study in which the student is enrolled;
    - (ii) proof of any relevant previously obtained subject or qualification(s) which entitles the person to enrolment in a later year of study; and
    - (iii) the annual student registration fee of R100.
- (2) An application contemplated in subregulation (1) is subject to –
- (a) a register being established in terms of the Act; and
  - (b) such student being enrolled at an educational institution registered in terms of section 16A of the Act.
- (3) An application contemplated in subregulation (1) shall be submitted to the registrar within three months after the commencement of such person's studies in -
- (a) ayurveda;
  - (b) Chinese medicine and acupuncture;
  - (c) chiropractic;
  - (d) homoeopathy;
  - (e) naturopathy;
  - (f) osteopathy;
  - (g) phytotherapy;
  - (h) therapeutic aromatherapy;
  - (i) therapeutic massage therapy; and
  - (j) therapeutic reflexology.
- (4) The council may, at its discretion, on application by a student, duly motivated, grant an extension of the period determined in subregulation (3).
- (5) The registrar shall enter the name of a student registered by the council into a student register and issue a student registration certificate to such student that reflects -
- (a) the student's registration number, allocated by the registrar;
  - (b) the student's full names and identity number;
  - (c) the course of study, the name of the educational institution and the date of registration;
  - (d) the period of validity of such certificate.
- (6) A student shall inform the registrar in writing of any change to the information he or she indicated

on his or her application form contemplated in subregulation (1), within one month of such change occurring.

#### **Removal of names from register of students**

24. (1) The council, in consultation with the relevant professional board, may remove the name of a student from the relevant register of students kept in terms of section 18 of the Act -
- (a) if he or she is registered as a practitioner or intern in terms of the Act;
  - (b) if evidence to the satisfaction of the registrar has been submitted that the student has abandoned his or her course of study in the Republic for an interrupted period exceeding one year;
  - (c) if evidence to the satisfaction of the registrar has been submitted that the student has been expelled from the educational institution concerned for reasons of conduct, failure to meet academic requirements or for any other reason;
  - (d) if that student's registration has been suspended or cancelled by an educational institution due to injury, illness or other similar circumstance;
  - (e) if that student's registration has been cancelled by the council after he or she has been found guilty of unprofessional conduct by the council's disciplinary committee;
  - (f) on the written request of the student; or
  - (g) as soon as evidence to the satisfaction of the registrar has been submitted that the student has died.
- (2) If a student's registration has been suspended or cancelled by an educational institution due to injury, illness or any similar circumstance contemplated in subregulation (1)(d), that student may appeal to the relevant professional board to intervene.
- (3) Notice of the removal by virtue of the provisions of subregulation (1)(a), (b), (c), (d) or (e) of a student's name from the register shall be given by the registrar to the person concerned by registered post to his or her address appearing in the register.
- (4) Notice of the removal by virtue of the provisions of subregulation (1)(a), (b), (c), (d) or (e) of a student's name from the register shall be given by the registrar to the educational institution concerned by registered post.
- (5) A student has the right to appeal to the council for restoration of his or her name to the register, and any such appeal shall be lodged with the registrar within thirty days of the date of removal of such student's name from the register and shall be considered by the council in consultation with the relevant professional board.
- (6) As from the date on which notice was given to a student in terms of subsection (3), that student shall cease to be enrolled as a student for the profession for which he or she was enrolled at a educational institution in the Republic until his or her name has been restored to the register: Provided that he or she shall be permitted to continue with his or her studies until the council in consultation with the professional board has considered the appeal and has made its finding thereon known to the student concerned by registered post to his or her address appearing in the register.
- (7) The council may, after consultation with the relevant professional board, and upon application by a student on the form provided for in Annexure D, instruct the registrar to restore the name removed from the register of students by virtue of the provisions of subregulation (1)(a), (b), (c), (d) or (e) if the student concerned -
- (a) pays the restoration fee of R550; and
  - (b) has no disciplinary cases pending against him or her; and
- (8) Notice of the restoration of a student's name to the register shall be given by the registrar to the educational institution concerned by registered post to the address of the educational institution concerned and by registered post to the student concerned to the address of that student appearing in

the register of students.

### **Registration as intern**

25. (1) The register for interns kept in term of section 14 of the Act shall reflect the following information –
- (a) the date of registration as an intern;
  - (b) the intern's full names;
  - (c) the intern's identity number;
  - (d) the name of the educational institution where the person obtained his or her qualification in an allied health profession;
  - (e) the internship registration number allocated to the intern by the council;
  - (f) the profession in which the internship is being undertaken;
  - (g) the duration of the internship;
  - (h) the date of completion of the internship; and
  - (i) the council registration number and the date of registration by the council.
- (2) A person who applies to the council for registration as an intern in terms of section 19 of the Act shall submit–
- (a) his or her application to the relevant professional board on an application form provided for in Annexure E which form shall be obtained from the relevant professional board and be duly completed by the person;
  - (b) proof that he or she holds a qualification contemplated in section 16B of the Act for purposes of registration as a practitioner; and
  - (c) the name of the facility or institution to which he or she was allocated by the relevant professional board to undergo training as an intern within one week of being allocated thereto and may apply to the relevant professional board in writing in advance if he or she wishes to change from that facility or institution to another facility or institution.

### **Internship training**

26. The training to be undertaken by an intern shall be in accordance with the following -
- (a) Internship training shall not exceed 12 months in duration and, where it is broken or interrupted, it shall consist of periods which, when added together, shall not exceed 12 months in total, including vacation leave not exceeding one month in duration and sick leave not exceeding one month's duration;
  - (b) the period of internship training determined to in paragraph (a) shall be completed within a period of 24 months from the date of registration as an intern under section 19 of the Act;
  - (c) if an intern does not complete his or her internship training within the period determined in paragraph (b), his or her registration under section 19 of the Act shall be cancelled unless he or she provides the relevant professional board with satisfactory reasons as to why his or her registration should not be cancelled;
  - (d) the training shall be undertaken by an intern in a facility approved by the relevant professional board; and
  - (e) the professional board may, in the event that an intern fails to complete his or her internship to the satisfaction of the professional board, require such intern to complete a further period of internship.

## **CHAPTER 3: REMEDIES RELATIVE TO THE VARIOUS PROFESSIONS**

### **Chiropractic and osteopathy**

27. Subject to the provisions of the Medicines and Related Substances Control Act, 1965, a practitioner registered as a chiropractor or osteopath -
- (a) may, for the purposes of his or her practice and within the scope of practice relevant to his or her profession, possess or have under his or her control or prescribe for a patient or supply to a patient -
    - (i) vitamins;



- (ii) substances that are intended exclusively for application to the skin; or
- (iii) minerals and nutritional supplements;
- (b) may for the purposes of his or her practice, manufacture or prepare any form of any substance, preparation or mixture thereof.

### Homoeopathy

28. Subject to the provisions of the Medicines and Related Substances Control Act, 1965, a practitioner registered as a homeopath may, for the purposes of his or her practice -
- (a) possess or have under his or her control -
    - (i) any homoeopathic substances;
    - (ii) substances that are not scheduled substances;
    - (iii) substances that are used as starting substances in the preparation, formulation, compounding and dispensing of homoeopathic substances, those scheduled substances, including their derivatives and their salts and the derivatives of their salts where the existence of such salts is possible, which are recorded in one of the homoeopathic materia medicas, in one of the homoeopathic pharmacopoeias, or in any other equivalent homoeopathic or non-homoeopathic standard, in quantities and concentrations not more than what is reasonably considered necessary for this purpose;
    - (iv) the following scheduled substances, including their derivatives and their salts and the derivatives of their salts where the existence of such salts is possible:
      - (aa) Adrenaline (epinephrine);
      - (bb) Alkaloids and glycosides; and
      - (cc) all poisonous alkaloids and glycosides not specifically referred to in Schedule 1, 2, 3, 4, 5, 6 or 7 of the Medicines and Related Substances Control Act, 1965, containing not more than one part per thousand of such alkaloids or glycosides, excluding the those alkaloids and glycosides in the maximum strength indicated below:
        - Aconite tincture (B.P.);
        - Belladonna tincture (B.P. 1980);
        - Cocaine: substances containing not more than one part per thousand of cocaine, calculated as cocaine alkaloid;
        - Gelsemium tincture (B.P.C. 1973);
        - Ipecacuanla tincture (B.P. 1980);
        - Sabadilla alkaloids (B.P.C. 1934);
        - Veratrum tincture (B.P.C. 1934);
        - Amyl nitrite;
        - Antimicrobial substances (chemotherapeutic substances, synthesised in nature or the laboratory), substances containing not more than one part per thousand thereof;
        - Antimony potassium tartrate and antimony sodium tartrate;
        - Apomorphine;
        - Arsenic: substances containing not more than one part per ten thousand of arsenic, calculated as arsenic trioxide;
        - Atropine;
        - Barbituric acid: substances containing not more than one part per ten thousand thereof;
        - Bee venom;
        - Cantharidin;
        - Chloroform;
        - Corticosteroids (natural or synthetic): substances containing not more than one part per thousand thereof;
        - Cresol and phenol;
        - Digitalis leaf (B.P. 1980);
        - Emetine;
        - Ether (diethyl ether);

- Fluorides;
  - Homatropine;
  - Hormones (natural or synthetic): substances containing not more than one part per thousand thereof;
  - Hyoscine: substances containing not more than one part per thousand thereof;
  - Insulin;
  - Lead acetate;
  - Lithium: substances containing not more than one part per thousand thereof;
  - Mercury: substances containing not more than one part per thousand thereof;
  - Nicotinic acid: substances containing not more than one part per hundred thereof;
  - Nitroglycerine: substances containing not more than one part per thousand thereof;
  - Nux vomica;
  - Opium tincture (Ph.Cx., 11th edition): substances containing not more than one part per thousand thereof;
  - Papaverine: substances containing not more than one part per thousand thereof;
  - Phospholipids;
  - Physostigmine;
  - Pilocarpine;
  - Potassium dichromate;
  - Pygeum africanum (lipido-sterolic complex extract thereof);
  - Radix valerianae and its extracts;
  - Rauwolfia serpentina (dry root) (Ph.Cx., 11th edition);
  - Strychnine: substances containing not more than one part per thousand thereof;
  - Strophanthus (B.P.);
  - Tubocurarine: substances containing not more than one part per thousand thereof;
  - Thyroid gland (dry and clean) (Ph.Cx., 11th edition);
  - Vincamine;
  - Zinc salts; and
- (v) nosodes, allersodes, isodes and sarcodes;
- (vi) substances referred to in subparagraph (ii) in an injectable form; and
- (vii) substances referred to in subparagraphs (i), (iii), (iv) and (v) and water, in an injectable form;
- (b) prescribe for a patient or supply to a patient -
- (i) any homoeopathic substance, preparations and mixtures of substances or medicines or substances containing homoeopathic substances or any homoeopathic substance or thing which falls within the definition of a homoeopathic substance or which is in homoeopathic form in any homoeopathic dose or potency;
  - (ii) substances, preparations and mixtures of substances that are not scheduled substances;
  - (iii) substances referred to in subparagraphs (a)(iii), (a)(iv), (a)(vi) and (a)(vii) in homoeopathic form and substances referred to in paragraph (a)(v), including the following substances which may be prescribed and supplied in a dose not exceeding the dose specified below:
    - (aa) Adrenaline (epinephrine): substances containing not more than 5 micrograms thereof per daily dose;

- (bb) Antimicrobial substances (chemotherapeutic substances, synthesised in nature or the laboratory), substances containing not more than one part per thousand of the relevant daily allopathic dose;
- (cc) Antimony potassium tartrate and antimony sodium tartrate: substances containing not more than 5 milligrams thereof per daily dose;
- (dd) Arsenic: substances containing not more than 0,5 micrograms of arsenic, calculated as arsenic trioxide, per daily dose;
- (ee) Belladonna tincture (B.P. 1980): substances containing not more than 0,1 millilitre thereof per daily dose;
- (ff) Cantharidin: substances containing not more than 60 micrograms thereof per daily dose;
- (gg) Cresol and phenol: substances containing not more than 1 milligram of any of these substances per daily dose;
- (hh) Ether (diethyl ether): substances containing not more than 2 millilitres thereof per daily dose;
- (ii) Radix valerianae and its extracts: substances containing not more than 500 milligram thereof per daily dose;
- (jj) Rauwolfia serpentina (dry root): substances containing not more than 1,5 milligrams thereof per daily dose; and
- (kk) Zinc salts (for internal use): substances containing not more than 200 micrograms thereof per daily dose;
- (iv) vitamins;
- (v) minerals which are not scheduled substances; and
- (vi) substances referred to in subparagraphs (i), (ii), (iii), (iv) and (v) and water, in an injectable form;
- (c) formulate, compound, prepare, manipulate or dispense -
  - (i) substances, preparations and mixtures of substances that are not scheduled substances, and that are recorded in one of the homoeopathic materia medicas, in one of the homoeopathic pharmacopoeias, or any other equivalent homoeopathic or non-homoeopathic standard in homoeopathic form;
  - (ii) substances referred to in paragraph (a) in homoeopathic form;
  - (iii) substances referred to in paragraph (b) in homoeopathic form;
  - (iv) any homoeopathic substance, preparation or mixture of substances or medicines or substances containing homoeopathic substances or any homoeopathic medicine, substance or thing in terms of section 57(1)(b) of the Medicines and Related Substances Control Act, 1965, or any homoeopathic medicine, substance or thing which falls within the definition of a homoeopathic substance in any homoeopathic dose or strength including but not limited to starting substances.

### Phytotherapy

29. Subject to the provisions of the Medicines and Related Substances Control Act, 1965, a practitioner registered as a phytotherapist may -
- (a) for the purpose of his or her practice possess or have under his or her control -
    - (i) vitamins;
    - (ii) substances that are obtained solely from plants or parts of plants, that are not prepared in accordance with homoeopathic pharmacological principles and that are not scheduled substances;
    - (iii) the following scheduled substances that are obtained solely from plants or parts of plants, and that are not prepared in accordance with homoeopathic pharmacological principles:
      - (aa) Alkaloids and glycosides;
      - (bb) all poisonous alkaloids and glycosides not specifically named in Schedule 1, 2, 3, 4, 5, 6 or 7 of the Medicines and Related Substances Control Act,

1965, containing not more than one part per thousand of such alkaloids or glycosides, excluding the following alkaloids and glycosides in the maximum strength as indicated below:

- Aconite tincture (B.P.);
- Belladonna tincture (B.P. 1980);
- Cocaine: substances containing not more than one part per thousand of cocaine, calculated as cocaine alkaloid;
- Gelsemium tincture (B.P.C. 1973);
- Ipecacuanha tincture (B.P. 1980);
- Sabadilla alkaloids (B.P.C. 1934);
- Veratrum tincture (B.P.C. 1934);
- Cantharidin;
- Digitalis leaf (B.P. 1980);
- Hyoscyne: substances containing not more than one part per thousand thereof;
- Nux vomica;
- Opium tincture (Ph.Cx., 11th edition): substances containing not more than one part per thousand thereof;
- Papaverine: substances containing not more than one part per thousand thereof;
- Pilocarpine;
- Pygeum africanum (lipido-sterolic complex extract thereof);
- Radix valerianae and its extracts;
- Rauwolfia serpentina (dry root), (Ph.Cx., 11th edition);
- Strophanthus (B.P.);
- Tubocurarine: substances containing not more than one part per thousand thereof; and
- Vincamine;

- (b) prescribe for a patient or supply to a patient -
- (i) vitamins, excluding any substance containing an injectable form of vitamin A or vitamin B<sub>12</sub>;
  - (ii) substances that are obtained solely from plants or parts of plants, that are not prepared in accordance with homeopathic pharmacological principles and that are not scheduled substances;
  - (iii) substances referred to in paragraph (a)(iii) in a dose not exceeding one thousandth part of an allopathic dose, excluding the following substances which may be prescribed and supplied in a dose not exceeding the dose indicated below:
    - (aa) Belladonna tincture (B.P. 1980): substances containing not more than 0,1 millilitre thereof per daily dose;
    - (bb) Cantharidin: substances containing not more than 60 micrograms thereof per daily dose;
    - (cc) Radix valerianae and its extracts: substances containing not more than 500 milligrams thereof per daily dose; and
    - (dd) Rauwolfia serpentina (dry root): substances containing not more than 1,5 milligrams thereof per daily dose; and
- (c) prepare the following:

- (i) Substances, preparations and mixtures of substances that are not scheduled substances, that are obtained solely from plants or parts of plants, and that are recorded in a herbal Materia Medica or herbal Pharmacopeia; and
- (ii) substances referred to in paragraph (b)(iii), excluding -
  - (aa) a basic substance;
  - (bb) a vitamin;
  - (cc) a preparation for injection;
  - (dd) a hormone (natural or synthetic); and
  - (ee) an enzyme.

### **Naturopathy**

30. Subject to the provisions of the Medicines and Related Substances Control Act, 1965, a practitioner registered as a naturopath -
- (a) may for the purposes of his or her practice possess or have under his or her control or prescribe for a patient or supply to a patient -
    - (i) vitamins, excluding substances containing an injectable form of vitamin A or vitamin B<sub>12</sub>;
    - (ii) substances that are intended exclusively for application to the skin, that are not prepared in accordance with homoeopathic pharmacological principles and that are not scheduled substances;
    - (iii) minerals that are not prepared in accordance with homoeopathic pharmacological principles and that are not scheduled substances; and
    - (iv) the following substances in a concentration of one part per million:
      - (aa) Calcarea fluorica;
      - (bb) Calcarea phosphorica;
      - (cc) Calcarea sulphuricum;
      - (dd) Ferrum phosphoricum;
      - (ee) Kali muriaticum;
      - (ff) Kali phosphoricum;
      - (gg) Kali sulphuricum;
      - (hh) Magnesia phosphorica;
      - (ii) Natrium muriaticum;
      - (jj) Natrium phosphoricum;
      - (kk) Natrium sulphuricum; and
      - (ll) Silicae; and
  - (b) shall not, for the purposes of his or her practice, manufacture or prepare any form of any substance or preparation or mixture thereof.

## **CHAPTER 4: MEETINGS OF COUNCIL AND OF SUBCOMMITTEES**

### **Function of the chairperson**

31. (1) The chairperson shall preside at all ordinary and extraordinary meetings of the council and shall be responsible for the proper conduct of the meetings.

- (2) In the absence of the chairperson, the vice-chairperson shall take the chair, and in the absence of both the chairperson and the vice-chairperson, the members present shall select from among themselves a chairperson to preside at the meeting concerned.

#### **Quorum for meetings**

32. (1) A majority of the members of the council or of a professional board or of a committee shall constitute a quorum at any meeting of the council or of the professional board or such committee.
- (2) If there is no quorum present after expiry of a quarter of an hour from the time when the meeting of the council or a professional board or a committee should have commenced, the chairperson of the meeting concerned shall declare the meeting postponed to a day and hour to be determined by him or her.

#### **Conduct of business, procedure at meetings and minute taking**

33. (1) The decision of a simple majority of the members of the council or a professional board or a committee present at a meeting of the council or of a professional board or a committee shall constitute a decision of the council or of the professional board or of the committee, and in the event of an equality of votes on any matter the person presiding at the meeting concerned shall have a casting vote in addition to his or her deliberative vote.
- (2) The decision contemplated in subregulation (1) shall be reported to the council and to the Minister.
- (3) Confirmations of ordinary meetings and notices of extraordinary meetings of the council shall be signed by the registrar and shall be accompanied by an agenda specifying the matters to be dealt with at the meeting.
- (4) In the case of an ordinary meeting, the confirmation contemplated in subregulation (3) shall be sent by post or by hand to each member of the council or a professional board at least fourteen days before the date decided on for such meeting.
- (5) In the case of an extraordinary meeting the notice shall be given as the chairperson may deem sufficient and, if necessary, may be given by facsimile, by telephone or by electronic mail.
- (6) No matters shall be dealt with at a meeting other than those specified in the agenda of that meeting, except matters that, by decision of the meeting, are considered urgent.
- (7) All ordinary and extraordinary meetings of the council or of a professional board, including disciplinary inquiries, shall be open to the public, and any member may move at any time during a meeting of the council or professional board that the council or professional board go into committee to discuss any particular item on the agenda, and if such motion is seconded and carried, non-members, with the exception of the registrar where he or she is not a member, shall retire from the meeting.
- (8) The council or a professional board or a committee may adjourn a meeting to any day or hour, but no matters shall be dealt with at a continuation meeting except those set out in the agenda of the meeting of which it is a continuation, excluding matters which, by decision of the meeting, are considered urgent.
- (9) The names of all members attending a meeting of the council or a professional board or a committee shall be recorded in the minutes of such meeting.
- (10) Any member of the council may attend any meeting of a committee of which he or she is not a member, but such member shall not be entitled to fees and allowances for the attending of such

meeting, and any member of the council may register with the registrar a general or specific written request to be given timely notice of the date, place and agenda of any meeting or of all meetings, as the case may be, of a committee and shall, time permitting, be so notified.

- (11) Subregulation (10) shall not apply to a meeting of a committee conducting an inquiry in terms of section 23 of the Act: Provided that, in the event of the registrar also being a member of the council, this regulation shall not preclude the registrar from attending such a meeting for the purpose of executing his or her function as registrar.
- (12) The chairperson of the committee may permit a member of the council attending a meeting in the manner contemplated in subregulation (10) to speak but not to vote.

### **Minutes**

34. (1) The proceedings of meetings of the council, of a professional board and of the executive committee shall be preserved in the form of typewritten minutes ratified, after confirmation, at the next meeting by the signature of the chairperson.
- (2) The proceedings of professional boards and other committees, excluding the proceedings of a committee holding a disciplinary inquiry, shall be preserved in the form of a concise typewritten report, unless the council rules otherwise, and such report shall be compiled by the chairperson of each committee after each meeting.
- (3) Minutes of meetings of the council or the executive committee shall contain a concise résumé of subjects dealt with and of such motions and amendments to motions as have been proposed or rejected, with the names of proposers and seconders, but without any comment, remarks or discussion by members.
- (4) Meetings of each committee shall take place as arranged by the committee concerned.
- (5) The registrar shall forward copies of the minutes and reports to each council member and to all members of the committee concerned within fourteen days of the meeting.
- (6) The proceedings at a disciplinary inquiry shall be recorded verbatim, after which they shall be typed and, after the chairperson at such inquiry, or in his or her absence the registrar, has certified them to be correct, shall be circulated to all council and professional board members and all members of the committee of inquiry.
- (7) Minutes may be taken as read: Provided that any member may move that a particular minute should be read with a view to such correction therein or addition thereto as may be found necessary.

### **Order of business and debate**

35. (1) A member of the council or a professional board desirous of bringing any matter before the council or a professional board shall forward in writing to the registrar at least one month before the date determined for a meeting, a notice of motion on that matter for inclusion in the agenda for the meeting.
- (2) No matter shall be considered the notice contemplated in subregulation (1), unless permission has been obtained from the meeting to bring that matter forward as a motion.
- (3) The order of business at an ordinary meeting of the council or a professional board shall be as follows:
  - (a) Attendance and apologies;
  - (b) minutes of the previous meeting and matters arising therefrom;
  - (c) minutes of meetings of the executive committee held since the last council or professional

- board meeting, and matters arising therefrom;
  - (d) financial report;
  - (e) report of the registrar on registrations and removals of names from the registers;
  - (f) reports of committees;
  - (g) reports and matters regarding disciplinary inquiries;
  - (h) reports carried over from previous meetings;
  - (i) notices of motion held over from previous meetings;
  - (j) new notices of motion; and
  - (k) other matters.
- (4) A member of the council or a professional board may move at a meeting that any item appearing on the agenda for that meeting of the council or a professional board be advanced in the agenda.
  - (5) Members desiring to speak on any subject shall address the chair.
  - (6) Subregulations (3), (4) and (5) shall, *mutatis mutandis*, apply to meetings of the executive committee: Provided that, unless specifically instructed to do so by the council, the executive committee shall not deal with -
    - (a) the minutes of a council meeting and matters arising therefrom; and
    - (b) reports and matters regarding disciplinary inquiries.
  - (7) If the chairperson of a professional board or a committee or a member of such committee submits a report, he or she shall move: "That the report be received" and shall thereupon put the recommendation therein contained seriatim.
  - (8) A chairperson or member contemplated in subregulation (7) shall be held to move each recommendation contained in the report, and when all the recommendations in a report or any amendments thereto have been agreed to, the member submitting the report shall move that the report be adopted.
  - (9) Any member, whether he or she has spoken on the matter under discussion or not, may rise to a point of order or in explanation, but such explanation shall be confined to one or other essential part of a speech or statement which, in his or her opinion, may be misunderstood.
  - (10) A member rising in the manner contemplated in subregulation (9) shall be entitled to be heard forthwith.
  - (11) All motions and amendments shall be committed to writing, signed by the mover, and submitted.
  - (12) Before discussion by other members of the council, any motion or amendment contemplated in subregulation (11) shall be read and seconded and may be elucidated by the mover, who shall reserve the right of reply.
  - (13) All amendments shall be so framed that they may be read as independent motions.
  - (14) An amendment of a motion shall not alter the original motion in such a way as to make it essentially a new motion.
  - (15) No motion or amendment shall be withdrawn after being read, except by leave of the proposer, or of the meeting.
  - (16) If an amendment is proposed, it may be followed by other amendments, and the last amendment shall be considered first.
  - (17) Should every amendment be rejected, the original motion shall then be put to the vote.



- (18) If an amendment is carried, it shall be regarded as a substantive motion and in all other respects be treated, as to further amendments, as an original motion.
- (19) When a question is put to the vote, the chairperson of the meeting, subject to the provisions of subregulation (2), shall ask for a show of hands for or against the motion or amendment and shall then declare that the vote appears to him or her to be in the affirmative or the negative, as the case may be: Provided that a member of the meeting may require that the names of the members voting for or against the motion or amendment be entered in the minutes.
- (20) A member may ask for a vote by secret ballot, and such request shall be granted if at least three other members support it.
- (21) Any ruling of a meeting as to the interpretation of these regulations shall be recorded in the minutes and be entered in a rulings record.

## **CHAPTER 5: FUNDS OF THE COUNCIL**

### **Accounts of council and professional boards**

- 36. (1) A banking account in the name of the council and a banking account for each professional board shall be opened at one bank, and all moneys received by the registrar on behalf of the council or a professional board shall be deposited to the credit of the relevant account: Provided that all banking accounts of the professional boards have to be approved by the council.
- (2) Subject to subregulation (3), all payments on the account of the council and of the professional boards and of the funds administered by the council and the professional boards shall be made by cheque signed by -
  - (a) the registrar or, in the absence of the registrar, a member of the staff designated by the council acting for him or her; and
  - (b) one of two designated members of the council or the professional board designated by the council or the professional board, as the case may be.
- (3) An amount of R500 may, at the request of the registrar, be advanced by the council to the registrar from time to time as required to meet petty expenses incurred by the council and the professional boards.

### **Annual registration fees**

- 37. (1) Every practitioner who -
  - (a) on the first day of January of any year is registered with the council shall, if he or she is registered -
    - (i) for one profession with the council, pay an amount of R620 to the council as an annual fee;
    - (ii) for two professions with the council, pay an amount of R900 to the council as an annual fee; and
    - (iii) for three or more professions with the council, pay an amount of R1 250 to the council as an annual fee.
  - (b) after the first day of January of any year is registered with the council shall, irrespective of the number of professions for which he or she is registered, pay to the council in respect of the year of registration the following fees where registration takes place:
    - (i) Before the first day of April, the full annual fee determined in paragraph (a);
    - (ii) after the last day of March and before the first day of July, 75% of the annual fee determined in paragraph (a);
    - (iii) after the last day of June and before the first day of October, 50% of the annual fee

- determined in paragraph (a); or  
 (iv) after the last day of September, 25% of the annual fee determined in paragraph (a).

- (2) The fees determined in subregulation (1) shall be due and payable on the date of first registration, and thereafter on the first day of January of each year, and shall be paid before the expiry of a period of three months from the date upon which such fees become due and payable: Provided that, where registration takes place between 1 October and 31 December of a year, those fees shall be paid not later than 31 December of that year.

#### **Exemptions, increases and reductions regarding annual fees**

38. The council may, in its discretion and on the recommendation of a professional board, upon receipt of a fully substantiated application, which shall reach it before 15 January of a particular year, grant exemption from or reduction of the annual fee or permit the annual fee to be paid in payments, whereupon the council shall inform the applicant in writing of the conditions on which such exemption or reduction is being granted.

#### **New applications for registration**

39. The application fee contemplated in section 15(1)(a) of the Act shall be R285 per application.

#### **Restoration fees**

40. The fees payable in terms of sections 4(c) and 10D(a) of the Act for the restoration of a person's name previously removed from the register -
- (a) at the request of that person in cases where he or she had no disciplinary cases pending against him or her and no outstanding fees, shall be R575 in addition to the registration fee for the current year;
  - (b) as a result of non-payment of fees, shall be R1 200 in addition to the fees owed for the said non-payment and the registration fee for the current year; or
  - (c) as a result of disciplinary action by the council against such person, shall be R1 200 as well as the fee for the current year.

#### **Duplicate registration certificate**

41. An amount of R285 shall be payable for the issue to a practitioner of a duplicate registration certificate by the registrar.

#### **Student fees**

42. (1) A fee of R150 shall be payable to the council by a first year student upon first application for registration as a student in terms of section 18 of the Act.
- (2) A fee of R100 shall be payable to the council by a student for each year of registration as a student beyond the first year.

#### **Allowances**

43. (1) The council shall pay to a member of the council or a member of a professional board, with the exception of a member in the full-time employment of the State, who attends any meeting of the council, a professional board or a committee of the council or who may be otherwise engaged in any approved business of the council or a professional board at the direction of the council attendance and subsistence allowances of -
- (a) R500 per day or part thereof, calculated from the latest time at which the member concerned can reasonably leave his or her place of residence until the earliest time at which he or she can reasonably arrive back at his or her residence; and
  - (b) R400 for each night that a member reasonably spends away from his or her ordinary place of

residence and for which no expenses are paid for accommodation and meals.

- (2) The council shall pay a member contemplated in subregulation (1) -
  - (a) who makes use of air, train or other public transport to attend to business of the council or at the direction of the council, the actual fare: Provided that, if a member travels to a meeting or on other council or professional board business of more than one day's duration, he or she shall be paid an allowance for only one forward and return journey: Provided further that he or she has been notified beforehand of such journey;
  - (b) who makes use of shuttle, taxi or car-hire transport in the performance of his or her council or professional board duties, the cost relating to such transport; or
  - (c) where such member prefers to use his or her own transport in order to attend meetings out of Pretoria approved by the council, or to attend to other council business, at places not more than 750 kilometres distant from his or her ordinary residence, a motor allowance of R1-29 per kilometre covered.
- (3) In special circumstances, where in the opinion of the executive committee of the council a member's actual expenditure exceeds the amounts determined in these regulations, the committee may authorise the payment of an additional allowance to defray the member's actual expenditure.

## **CHAPTER 6: EDUCATION AND TRAINING**

### **Minimum qualification requirements in terms of section 16B of the Act for purposes of (full) registration**

44. Minimum qualification requirements in terms of section 16B of the Act for purposes of registration as -
  - (a) an acupuncturist shall be a three-year Acupuncture Diploma that has been obtained from an educational institution followed by an internship contemplated in regulations 25 and 26;
  - (b) an ayurveda practitioner shall be a two-year Ayurveda Diploma that has been obtained from an educational institution followed by an internship contemplated in regulations 25 and 26;
  - (c) a chiropractor -
    - (i) shall be a Masters Degree in chiropractic that has been obtained from an educational institution followed by an internship contemplated in regulation 25 and 26;
    - (ii) in the case of a qualification other than a South African Master's Degree in chiropractic, shall be a qualification equivalent to or higher than an NQF Master's Degree in accordance with the provisions of the South African Qualifications Authority Act, 1995;
    - (iii) shall be a foreign qualification in addition obtained from an educational institution accredited by the Chiropractic Council of Education or its international equivalent;
  - (d) a homoeopath shall be a five year Masters Degree in Homoeopathy that has been obtained from an educational institution followed by an internship contemplated in regulations 25 and 26
  - (e) a naturopath, shall be a Naturopathy Degree consisting of at least 480 credits, that has been obtained from an educational institution followed by an internship contemplated in regulations 25 and 26;
  - (f) an osteopath, shall be a Honours Degree in Osteopathy consisting of at least 480 credits, that has been obtained from an educational institution followed by an internship contemplated in regulations 25 and 26;
  - (g) a phytotherapist, shall be a Phytotherapy Degree consisting of at least 480 credits, that has been obtained from an educational institution followed by an internship contemplated in regulations 25 and 26; or
  - (h) a therapeutic aromatherapist, shall be a two-year Therapeutic Aromatherapy Diploma consisting of at least 240 credits, that has been obtained from an educational institution followed by an internship contemplated in regulations 25 and 26.
  - (i) a therapeutic massage therapist, shall be a two-year Therapeutic Massage Therapy Diploma consisting of at least 240 credits, that has been obtained from an educational institution followed by an internship contemplated in regulations 25 and 26
  - (j) a therapeutic reflexologist, shall be a two-year Therapeutic Reflexology Diploma consisting of at least 240 credits, that has been obtained from an educational institution followed by an internship contemplated in regulations 25 and 26

### Minimum requirements for curricula

45. (1) A person who wishes to register as an acupuncturist under the Act shall pass at an educational institution an Acupuncture Diploma which shall consist of at least -
- (a) the major subjects of -
    - (i) anatomy;
    - (ii) biochemistry;
    - (iii) botany;
    - (iv) chemistry;
    - (v) electro-stimulation;
    - (vi) evaluation and treatment of myofascial pain syndromes;
    - (vii) moxibustion;
    - (viii) needling techniques;
    - (ix) neuroscience;
    - (x) pathology;
    - (xi) pain research;
    - (xii) physics;
    - (xiii) physiology;
    - (xiv) psychology;
    - (xv) theory of myofascial pain syndromes; and
    - (xvi) zoology; and
  - (b) the ancillary subjects of -
    - (i) emergency care;
    - (ii) ethics and jurisprudence; and
    - (iii) practice management.
- (2) A person who wishes to register as an ayurveda practitioner under the Act shall pass at an educational institution an Ayurveda Diploma which shall consist of at least -
- (a) the major subjects of -
    - (i) anatomy;
    - (ii) history and philosophy of ayurveda;
    - (iii) holistic health;
    - (iv) disease from the ayurveda perspective;
    - (v) pathology;
    - (vi) physiology; and
    - (vii) process of creation; and
  - (b) the ancillary subjects of -
    - (i) abhyanga;
    - (ii) awareness training, moral values, dhanna;
    - (iii) ayurvedic food supplements;
    - (iv) ayurvedic pulse and nail observation;
    - (v) ayurveda primary health care counselling;
    - (vi) ayurvedic routines and lifestyles;
    - (vii) balancing doshas, boosting the immune system with churnas and rasayanas;
    - (viii) chakras and the immune system;
    - (ix) communication skills and awareness;
    - (x) emergency care;
    - (xi) energy balancing, acupressure and the marma points;
    - (xii) food as medicine;
    - (xiii) free radicals and immune system breakdown;
    - (xiv) home remedies and spices;
    - (xv) meditation techniques and stress management;
    - (xvi) nadis, energy balancing and pranic healing;
    - (xvii) panchakarma techniques;
    - (xviii) practice management, ethics and jurisprudence;

- (xix) pranayama and mudras; and
  - (xx) relationship between chakras and the endocrine and neural systems; and
- (3) A person who wishes to register as a chiropractor under the Act shall pass at an educational institution a M Tech: Chiropractic Degree which shall consist of at least -
- (a) the major subjects of -
    - (i) anatomy;
    - (ii) auxiliary therapeutics;
    - (iii) biochemistry;
    - (iv) biology;
    - (v) chemistry;
    - (vi) chiropractic principles and practice;
    - (vii) clinical biomechanics and kinesiology;
    - (viii) clinical chiropractic
    - (ix) diagnostics;
    - (x) embryology;
    - (xi) epidemiology;
    - (xii) ethics and jurisprudence;
    - (xiii) general pathology;
    - (xiv) histology;
    - (xv) medical microbiology;
    - (xvi) physiology;
    - (xvii) radiology and research methods and techniques; and
    - (xviii) systemic pathology; and
  - (b) the ancillary subjects of -
    - (i) epidemiology;
    - (ii) physics;
    - (iii) practice management, ethics and jurisprudence;
    - (iv) principles and philosophy;
    - (v) psychopathology; and
    - (vi) social studies.
- (4) A person who wishes to register as a homoeopath under the Act shall pass at an educational institution a Masters Degree in Homoeopathy which shall consist of at least -
- (a) the major subjects of -
    - (i) anatomy;
    - (ii) biochemistry;
    - (iii) biology;
    - (iv) chemistry;
    - (v) diagnostics;
    - (vi) epidemiology;
    - (vii) general pathology;
    - (viii) homeopharmaceutics;
    - (ix) materia medica; and
    - (x) physiology; and
  - (b) the ancillary subjects of -
    - (i) auxiliary therapeutics;
    - (ii) epidemiology;
    - (iii) medical microbiology;
    - (iv) philosophy, principles and history of homoeopathy;
    - (v) physics;
    - (vi) practice management, ethics and jurisprudence;
    - (vii) psychopathology;
    - (viii) social studies; and
    - (ix) systemic pathology.

- (5) A person who wishes to register as a naturopath under the Act shall pass at an educational institution a Naturopathy Degree which shall consist of at least -
- (a) the major subjects of -
    - (i) anatomy;
    - (ii) basic naturopathic nutrition;
    - (iii) clinical practice management;
    - (iv) environmental medicine;
    - (v) health promotion and community health;
    - (vi) integrated patient management;
    - (vii) naturopathic diagnosis, iridology and disorders and cures;
    - (viii) philosophy of natural medicine;
    - (ix) physiology;
    - (x) phytotherapy;
    - (xi) principles of natural medicine;
    - (xii) psychology, counselling, psychobiology;
    - (xiii) symptomology, diagnostics and pathology;
    - (xiv) traditional medicine systems and African traditional medicine; and
    - (xv) vitamins and minerals and vitamin and mineral therapy; and
  - (b) the ancillary subjects of -
    - (i) basic aromatherapy and reflexology;
    - (ii) basic chemistry and biochemistry;
    - (iii) basic microbiology;
    - (iv) basic homoeopathy;
    - (v) basic pharmacology;
    - (vi) ethics and jurisprudence;
    - (vii) human movement basics;
    - (viii) hydrotherapy;
    - (ix) physical exercise and therapeutics;
    - (x) practitioner development and ethics;
    - (xi) research methodology;
    - (xii) rest and relaxation and vibrational healing; and
    - (xiii) practice management.
- (6) A person who wishes to register as an osteopath under the Act shall pass at an educational institution an Honours Degree in Osteopathy which shall consist of at least -
- (a) the major subjects of -
    - (i) anatomy and physiology;
    - (ii) auxiliary therapies;
    - (iii) body mechanics;
    - (iv) biochemistry and nutrition;
    - (v) clinical diagnosis;
    - (vi) cranial and visceral osteopathy;
    - (vii) embryology;
    - (viii) etiology and pathology;
    - (ix) histology;
    - (x) history and philosophy of osteopathy;
    - (xi) natural therapeutics;
    - (xii) osteopathic principles; and
    - (xiii) osteopathic techniques; and
  - (b) the ancillary subjects of -
    - (i) clinical procedures;
    - (ii) ethics and jurisprudence;
    - (iii) psychopathology; and
    - (iv) practice management.
- (7) A person who wishes to register as a phytotherapist under the Act shall pass at an educational

institution a Degree in Phytotherapy which shall consist of at least -

- (a) the major subjects of -
    - (i) anatomy;
    - (ii) biochemistry;
    - (iii) biology and basic botany;
    - (iv) clinical diagnosis;
    - (v) differential diagnosis;
    - (vi) herbal materia medica;
    - (vii) herbal pharmacology and posology;
    - (viii) nutrition and diet;
    - (ix) pathology;
    - (x) philosophy and practice; and
    - (xi) physiology; and
  - (b) the ancillary subjects of -
    - (i) dermatology;
    - (ii) ethics and jurisprudence;
    - (iii) geriatrics;
    - (iv) general medicine;
    - (v) laboratory medical science;
    - (vi) psychiatry and
    - (vii) practice management.
- (8) A person who wishes to register as a therapeutic aromatherapist under the Act shall pass at an educational institution a Diploma in Therapeutic Aromatherapy which shall consist of at least -
- (a) the major subjects of -
    - (i) anatomy;
    - (ii) chemistry and pharmacology of essential oils;
    - (iii) introduction to botany;
    - (iv) massage techniques;
    - (v) physiology;
    - (vi) pathology;
    - (vii) pathophysiology;
    - (viii) practical therapeutic aromatherapy and massage techniques; and
    - (ix) theoretical therapeutic aromatherapy; and
  - (b) the ancillary subjects of -
    - (i) business and practice management;
    - (ii) ethics and jurisprudence;
    - (iii) first aid;
    - (iv) nutrition; and
    - (v) patient care.
- (9) A person who wishes to register as a therapeutic massage therapist under the Act shall pass at an educational institution a Therapeutic Massage Therapy Diploma which shall consist of at least -
- (a) the major subjects of -
    - (i) anatomy;
    - (ii) pathology;
    - (iii) pathophysiology;
    - (ii) physiology;
    - (v) practical therapeutic massage therapy; and
    - (vi) theoretical therapeutic massage therapy;
  - (b) the ancillary subjects of -
    - (i) business and practice management;
    - (ii) ethics and jurisprudence;
    - (iii) first aid;
    - (iv) nutrition; and
    - (v) patient care.

- (10) A person who wishes to register as a therapeutic reflexologist in terms of the Act shall pass at an educational institution a Therapeutic Reflexology Diploma which shall consist of at least -
- (a) the major subjects of -
    - (i) anatomy;
    - (ii) pathology;
    - (iii) pathophysiology;
    - (iv) physiology;
    - (v) practical therapeutic reflexology; and
    - (vi) theoretical therapeutic reflexology; and
  - (b) the ancillary subjects of -
    - (i) business and practice management;
    - (ii) ethics and jurisprudence;
    - (iii) first aid;
    - (iv) nutrition; and
    - (v) patient care.

**Minimum qualification requirements in terms of section 16C of the Act for purposes of temporary registration**

46. (1) Minimum qualification requirements in terms of section 16C of the Act for purposes of temporary registration as -
- (a) an acupuncturist shall be a Acupuncture certificate that has been obtained from an educational institution.
  - (b) a naturopath shall be a Naturopathy Certificate that has been obtained before 1995 from an educational institution which consisted of at least the subjects of -
    - (i) anatomy;
    - (ii) pathology;
    - (iii) physiology;
    - (iv) naturopathy; and
    - (v) four of the following core subjects -
      - (aa) phytotherapy;
      - (bb) hydrotherapy;
      - (cc) bodywork;
      - (dd) diagnostics;
      - (ee) exercise;
      - (ff) homoeopathy;
      - (gg) naturopathic principles and philosophy;
      - (hh) naturopathic treatment.
  - (c) an osteopath shall be a four-year Diploma or Degree in Osteopathy that has been obtained before 1995 from an educational institution and at least five years of practice as an osteopath.
  - (d) a phytotherapist shall be a Phytotherapy Certificate that has been obtained before 1995 from an educational institution which consisted of at least the subjects of -
    - (i) anatomy;
    - (ii) herbal materia medica;
    - (iii) nutrition;
    - (iv) pathology; and
    - (v) physiology.
  - (e) a therapeutic aromatherapist -
    - (i) which has at least five years of practice as a therapeutic aromatherapist shall be a Aromatherapy Certificate obtained before 1995 from an educational institution which consisted of at least the subjects of -
      - (aa) anatomy;
      - (bb) physiology;
      - (cc) theory and practice of aromatherapy; and
      - (dd) applied anatomy and physiology;



- (ii) which has less than five years of practice as a therapeutic aromatherapist shall be a Aromatherapy Certificate obtained after 1995 from an educational institution which consisted of at least the subjects of -
  - (aa) anatomy;
  - (bb) aromatic chemistry and an introduction to botany;
  - (cc) applied anatomy and physiology;
  - (dd) business practice and advertising;
  - (ee) case histories;
  - (ff) code of practice;
  - (gg) communication and listening skills;
  - (hh) emergency first aid;
  - (ii) ethics and professionalism;
  - (jj) nutrition and supplements;
  - (kk) other complementary therapies (optional);
  - (ll) pathophysiology;
  - (mm) physiology;
  - (nn) therapeutic aromatherapy theory and practice; and
  - (oo) theory and practice of therapeutic aromatherapy;
- (f) a therapeutic massage therapist -
  - (i) which has at least five years of practice as a therapeutic aromatherapist shall be a Massage Therapy Certificate obtained before 1995 from an educational institution which consisted of at least the subjects of -
    - (aa) anatomy;
    - (bb) business practice and advertising;
    - (cc) communication and listening skills;
    - (dd) emergency first aid;
    - (ee) ethics and professionalism;
    - (ff) indications and contra-indications for massage;
    - (gg) massage therapy theory and practice; and
    - (hh) physiology;
  - (ii) which has less than five years of practice as a therapeutic aromatherapist shall be a Massage Therapy Certificate obtained after 1995 which consisted of at least the subjects of -
    - (aa) anatomy;
    - (bb) business practice and advertising;
    - (cc) code of practice;
    - (dd) communication and listening skills;
    - (ee) emergency first aid;
    - (ff) ethics and professionalism;
    - (gg) therapeutic massage therapy theory and practice, including clinical case histories;
    - (hh) nutrition and supplements;
    - (ii) other complementary therapies (optional);
    - (jj) pathophysiology and pathology; and
    - (kk) physiology;
- (g) a therapeutic reflexologist -
  - (i) which has at least five years of practice as a therapeutic reflexologist shall be a Reflexology Certificate obtained before 1995 which consisted of at least the subjects of-
    - (aa) anatomy; and
    - (bb) physiology;
  - (ii) which has less than five years of practice as a therapeutic reflexologist shall be a Reflexology Certificate obtained after 1995 which consisted of at least the subjects of -
    - (aa) anatomy;
    - (bb) business practice and advertising;
    - (cc) code of practice;

- (dd) communication and listening skills;
  - (ee) emergency first aid;
  - (ff) ethics and professionalism;
  - (gg) therapeutic reflexology theory and practice, including clinical case histories;
  - (hh) nutrition and supplements;
  - (ii) other complementary therapies (optional);
  - (jj) pathophysiology and pathology; and
  - (kk) physiology.
- (2) A person who complies with the minimum qualification requirements contemplated in subregulation (1) and who has been granted temporary registration, shall only practice as a practitioner in such profession -
- (a) for a period not exceeding 24 months; and
  - (b) subject to him or her practising such profession.
- (3) A person contemplated in subregulation (2) can obtain full registration in terms of section 15 of the Act during or after the period of temporary registration if such person completed an upgrading course as recommended by the professional board concerned and approved by the council at an educational institution;

### **Examinations**

47. (1) An examination shall be conducted by an educational institution for a course leading to registration in an allied health profession at least annually and at the end of such course.
- (2) Where relevant, an examination contemplated in subregulation (1) shall comprise both theoretical and practical components.
- (3) At least one moderator who is not associated with the educational institution concerned shall moderate an examination.
- (4) A person appointed as moderator for an examination contemplated in subregulation (1) shall possess the relevant qualification determined to in regulation 47.
- (5) A person appointed as invigilator for an examination contemplated in subregulation (1) shall be an independent person who is not related in any way to the educational institution concerned.
- (6) Notwithstanding anything to the contrary contained in this Act or the regulations, the council may, on the recommendation of the professional board concerned, set an examination and require any person seeking registration in an allied health profession, whether or not he or she is otherwise qualified in terms of the Act, to pass that examination before granting him or her registration.
- (7) A homoeopathy qualification referred to in regulation 45 shall comply with at least the following integrated assessment:
- (a) Formative: Written and oral practical and theory tests with feedback, projects and assignments, assessment of laboratory practice, assessment of clinical competencies including self and peer assessment with feedback and evaluation of experiential learning and simulations; and
  - (b) summative: Semester or year-end examinations, objective structured clinical examinations (OSCEs) and clinical case evaluations.

## **CHAPTER 7: PROFESSIONAL PRACTICE**

### **Consulting rooms**

48. (1) The consulting rooms of a practitioner shall consist of -
- (a) at least two separate rooms, one of which is used for consultation with and the examination and treatment of patients, and the other, a room easily accessible from the first room, for a reception and waiting room providing sufficient seating for patients; and
  - (b) a changing cubicle or screen where a patient, if so required, may undress and dress in privacy.
- (2) The consulting rooms must have accessible ablution facilities.
- (3) If any part of a residence is used as consulting rooms, such part shall be used exclusively as consulting rooms and shall be accessible from the outside without necessitating the patient's entering such part through the residence.
- (4) In the case of therapeutic aromatherapy, therapeutic massage therapy and therapeutic reflexology, a practitioner registered in that profession shall be afforded a period of five years from the date of establishment of the register to comply with subregulations (1), (2) and (3), and when a treatment is carried out on site the facilities shall be commensurate with the community environment.

### **Partnerships**

49. (1) Subject to the provisions of subregulation (2) a practitioner, in the pursuance of his or her profession, may not enter into a partnership or, where any partnership exists at the commencement of the regulations, maintain that partnership, with a person who is not registered -
- (a) as a practitioner under the Act; or
  - (b) as a medical practitioner in terms of the Health Professions Act, 1974; or
  - (c) in terms of the Health Professions Act, 1974, in respect of a supplementary health service profession which is approved by the professional board as an acceptable profession for the purposes of a partnership.
- (2) Subregulation (1) shall not be construed to prevent a practitioner from employing a person practising a profession to which the provisions of the -
- (a) Pharmacy Act, 1974;
  - (b) Health Professions Act, 1974; or
  - (c) Nursing Act, 1978
- apply, or maintaining that employment or co-operation with such person.
- (3) A registered person may not employ -
- (a) as a professional assistant or *locum tenens* any person who is not registered in terms of the Act;
  - (b) a person whose name has been removed from any register kept by the council in terms of the Act or who has been suspended from practising his or her profession; or
  - (c) any other unregistered health service person or refer patients to such unregistered person.

### **Canvassing or touting**

50. Canvassing or touting for patients in whatever manner shall be prohibited.

### **Use of names**

51. A practitioner may not use as a name for a private practice -
- (a) any name or expression, except the name of the practitioner or where practitioners practise in partnership or as a juristic person, the names of such practitioners; or
  - (b) the expression "hospital" or "medical clinic" or any other special term in a way that could create the perception that such a practice forms a part of, or is in association with, a medical hospital, medical clinic or similar institution.

**Professional stationery**

52. (1) A practitioner may print or have printed on letterheads and account forms -
- (a) the practitioner's name, profession, registered category and speciality if applicable;
  - (b) registered qualifications in abbreviated form, awards and honorary degrees in abbreviated form;
  - (c) addresses, telephone and fax numbers and e-mail addresses; and
  - (d) hours of consultation, council registration number, registered medical scheme practice number and the practitioner's VAT registration number.
- (2) A juristic person or a group of registered practitioners practising in partnership may indicate that fact on their letterheads and account forms.
- (3) A practitioner may not use prescription forms or envelopes bearing the name and address of a pharmacist or health shop.

**Certificate of indisposition**

53. Subject to section 23 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), a person registered as an acupuncturist, ayurveda practitioner, chiropractor, homoeopath, naturopath, osteopath or phytotherapist in terms of the Act may issue a certificate of indisposition to a patient: Provided that the certificate of indisposition shall contain the following information:
- (a) The title, initials and surname, address, qualifications, registered professions, registered medical scheme practise number and council registration number of the practitioner;
  - (b) the first name, initials and surname of the patient;
  - (c) the medical scheme number and employment number of the patient, if applicable;
  - (d) the date and time of the examination;
  - (e) whether the certificate is being issued as a result of personal observation by the practitioner during an examination, or as the result of information received from the patient and based on acceptable medical grounds;
  - (f) a description of the illness, disorder or malady in layman's language;
  - (g) whether the patient is totally indisposed for duty, or whether the patient will be able to perform less strenuous duties in the work situation;
  - (h) the exact period of recommended sick leave; and
  - (i) the date of issue of the certificate of illness.

**General**

54. (1) A practitioner in active practice may not -
- (a) accept request or insist on any commission, remuneration, pecuniary or otherwise, from a pharmacy, health shop, manufacturer or dealer in medicines, remedies or any equipment, apparatus, instruments, appliances or material used in the course of his or her practice or prescribed for patients;
  - (b) pay, give or accept any commission or remuneration, pecuniary or otherwise, to any person for the recommendation of patients;
  - (c) share any fees charged for a service with any person other than a partner unless such sharing is commensurate with the scope of such other person's participation in the rendering of such service;
  - (d) have financial interest, whether by way of fixed salary or otherwise, in medical aid schemes, institutions or associations which canvass members by way of advertisement;

- (e) act as an agent or representative or in any capacity whatsoever market or sell a product, device or thing whether such sale or promotion is for his or her own account or the account of another person or company or receive any commission or remuneration, pecuniary or otherwise;
  - (f) use or allow his or her name to be used in an advertisement or in the promotion or sale of any product, medicine, device or thing from another person or company; or
  - (g) in any way provide anything from his or her practice premises by means of sale or otherwise to any person with whom he or she has not had a recorded consultation: Provided that the professional board concerned may, after a substantiated application has been received from a registered practitioner, at its discretion, approve such provision.
- (2) If pre-printed stationery is used by a practitioner, words that are not relevant shall be deleted.
  - (3) A person registered under the Act shall be obliged to issue, when requested by the patient or his or her parent or guardian if he or she is a minor to do so, a brief, factual report to a patient where that patient, on reasonable grounds, requires information concerning himself or herself.
  - (4) A person who is registered under the Act may not accept any professional appointment, except in accordance with a written contract of appointment available to the professional board at its request.
  - (5) A person who is registered under the Act may not share a consulting room with a person not registered in terms of any Act regarding health professions, or have an entrance through, or a nameplate at the entrance of such person's consulting or waiting rooms or business.
  - (6) No person who is registered under the Act shall perform an act which prevents or is calculated to prevent the council, any office-bearer thereof, or the registrar, from carrying out any duty granted by or imposed under the Act.
  - (7) A registered practitioner may not communicate with a person whom a practitioner knows or could reasonably be expected to know to be a witness at a disciplinary inquiry to be held into the conduct of the practitioner concerned, on any aspect of evidence to be given by such witness at the inquiry, or permit, sanction or acquiesce in such communication on his or her behalf.
  - (8) A practitioner may use any device that has been recommended by the professional board concerned and approved by the council if that practitioner has been adequately trained to safely operate that device.
  - (9) The professional boards shall draw up a code of ethics for each profession and such code shall be binding on all practitioners registered in the profession concerned in terms of the Act.

### **Repeal**

55. Chapters 1, 2, 3, 4, 5, 6, 7, 9, 10, 12 and 15 of the Regulations in terms of the Associated Health Service Professions Act, 1982 promulgated under Government Notice No. R. 2610 of 3 December 1982 as amended by Government Notices Nos. R. 870 of 29 April 1983, R. 1196 of 10 June 1983, R. 1745 of 12 August 1983, R. 2322 of 26 October 1984, R. 2712 of 14 December 1984, R.1083 of 17 May 1985, R. 2394 of 21 November 1986, R. 1622 of 31 July 1987, R. 2366 of 23 October 1987, R. 629 of 31 March 1988, R. 2439 of 2 December 1988, R. 2855 of 7 December 1990, R. 3089 of 20 December 1991, R. 2900 of 16 October 1992 and R. 203 of 4 February 1994 are hereby repealed.

**MINISTER OF HEALTH**

**DATE:**