

OFFICE OF THE REGISTRAR

14 January 2009

Humphrey Lewis
President: South African Paediatric Association

Per email: humphrey@mweb.co.za

Dear Mr Lewis

MEDIA STATEMENT – HPCSA SCRAPS ETHICAL TARIFF

We make reference to email correspondence in the above regard.

The decision by the HPCSA to scrap the existing ethical tariffs was based, inter alia, on its authority in terms of Section 3(c) and 4(f) of the Health Professions Act, 56 of 1974 as well as considerations flowing from the Competition Commission's rulings regarding conflicts of interests.

Section 53 does not provide for a requirement to consult with members of the profession in making a determination for the fees that may be used as a norm for amounts that ought to be charged. Furthermore, it is envisaged that the HPCSA ruling will come into effect once the Department of Health's National Health Reference Price List (NHRPL) process has been finalised and determined. It should therefore follow that the existing arrangements with regards to the HPCSA Ethical Tariff will remain in force until the NHRPL processes shall have been finalised. It is furthermore envisaged that the respective Professional Boards shall publish the fees in terms of Section 53(3)(d) in accordance with the NHRPL and as per the HPCSA resolution and until the said pronouncement is published officially, the status quo remains.

There have been arguments presented that it may not be possible to obtain consent in certain circumstances before rendering a service to a patient. In this regard we wish to draw attention to the fact that this is provided for in terms of Section 53(1) of the Act and rulings of the Council which suggest that where a patient is incapable of providing consent and there is an emergency to render a service, the practitioner may provide a service either by obtaining consent from the next-of-kin or without obtaining consent where it is impossible to obtain such consent.

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We undertake to make available such published notices in respect of each Professional Board upon the finalization of the processes as envisaged above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Adv. Boyce Mkhize', with a stylized flourish at the end.

**ADV BM MKHIZE
REGISTRAR/CEO**

BMM/qcm