

**DEPARTMENT OF HEALTH
DEPARTEMENT VAN GESONDHEID**

No. R. 237

6 March 2009

**HEALTH PROFESSIONS ACT, 1974
HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA**

REGULATIONS DEFINING THE SCOPE OF THE PROFESSION OF MEDICINE

The Minister of Health has, in terms of section 33(1), read with section 61(2), of the Health Professions Act, 1974 (Act No. 56 of 1974), as amended by Act 29 of 2007, and on the recommendation of the Health Professions Council of South Africa, made the regulations in the Schedule.

SCHEDULE

Definitions

1. In these regulations "the Act" means the Health Professions Act, 1974 (Act No. 56 of 1974), and any expression to which a meaning has been assigned in the Act shall bear that meaning, and, unless inconsistent with the context—

"**board**" means the Medical and Dental Professions Board established in terms of section 15(1) of the Act;

"**medicine**" means the profession of a person registered as a medical practitioner or an intern in medicine in terms of the Act; and

"**section**" means a section of the Act.

Scope of the profession

2. The following acts are hereby specified by the board under section 33 as acts which shall, for the purposes of the Act, be deemed to be acts pertaining to the medical profession:

- (a) The physical medical and/or clinical examination of any person;
 - (b) performing medical and/or clinical procedures and/or prescribing medicines and managing the health of a patient (prevention, treatment and rehabilitation);
 - (c) advising any person on his or her physical health status;
 - (d) on the basis of information provided by any person or obtained from him or her in any manner whatsoever—
 - (i) diagnosing such person's physical health status;
 - (ii) advising such person on his or her physical health status;
 - (iii) administering or selling to or prescribing for such person any medicine or medical treatment;
 - (e) prescribing, administering or providing any medicine, substance or medical device as defined in the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965);
 - (f) any other act specifically pertaining to the medical profession based on the education and training of medical practitioners as approved by the board from time to time.
3. The provisions of regulation 2 shall not be construed as prohibiting—
- (a) any person registered under any legislation regulating health care providers from performing any act specified in that regulation in accordance with the provisions of such legislation;
 - (b) an intern working at an institution recognised by the council from performing any function or issuing any certificate or other document which in terms of any law, other than this Act, may be or is required to be performed or issued by a medical practitioner, whether described in such law as a medical practitioner or by any other name or designation, or describing himself or herself as a medical practitioner in connection with the performance of any such function or the issuing of any such certificate or document;
 - (c) a student intern from performing any act specified in that regulation under the supervision of a medical practitioner in the course of his or her training;

- (d) a dentist from performing any act specified in that regulation in the course of performing any act falling within the scope of dentistry or from using any name, title, description or symbol normally associated with his or her profession; or
- (e) any person from performing any act specified in that regulation in the course of bona fide research at any institution approved for that purpose by the Minister.

Registration a prerequisite to practise

4. Any person who wishes to perform any of the acts prescribed in regulation 2 shall apply in the prescribed manner to the board for registration as a medical practitioner and submit proof of having complied with the prescribed requirements for such registration.



B HOGAN

MINISTER OF HEALTH