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## Frequently Asked Questions for Practitioner's Impairment

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Document name	Frequently Asked Questions for practitioners's impairmet
Responsible officer(s)	Head of Division: Professional Practice
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### **1. What is an impairment of practitioner?**

Any mental or physical condition which affects the competence, attitude, judgement or performance of professional acts by a registered practitioner.

### **2. What is the composition of the Health Committee?**

The Health Committee is a non-punitive Committee of Council established to manage the compliance of the practitioners while also protecting the public. The Health Committee regulates/advises impaired practitioners who suffer from a mental or physical condition or the abuse of or dependence on chemical substances, which affects the competence, attitude, judgment or performance of a student or a person registered in terms of the Health Professions Council Act, (Act 56 of 1974).

### **3. Who should report allegation of impairment?**

Anyone, a student, intern or member of public shall report impairment of student, intern or practitioner to the professional board if he or she is convinced that such student, intern or practitioner is impaired or the practitioner may report his or her own impairment or suspected impairment if he/she is aware of his or her own impairment or has been publicly informed or has been seriously advised by a colleague to act appropriately to obtain help in view of an alleged or established impairment.

### **4. What is the role and functions of the Health Committee?**

- i. To establish policies and procedures and to enlist cooperation and support for the prevention or alleviation of circumstances which may lead to impairment in students and practitioners.
- ii. To establish mechanisms and procedures for the early identification of impairment in students and practitioners.

- iii. To implement procedures for handling crisis situations which may threaten patient safety and care.
- iv. Undertake informal assessments of reports on alleged impaired students and practitioners, to make findings with regard to impairment and, if required, to impose conditions of registration or practice on such persons aimed at protection of patients and treatment of impaired persons.
- v. Appoint investigation committees on an *ad hoc* basis to undertake formal investigations into reports on alleged impairment in the absence of voluntary cooperation of students or practitioners, to make findings with regard to impairment and, if required, to impose conditions of registration or practice aimed at protection of patients and treatment of impaired students or practitioners.
- vi. Consider applications by students or practitioners who were found to be impaired to have their conditions of registration or practice amended or to have such conditions revoked.
- vii. Oversee the implementation of treatment programmes of impaired students or practitioners and to review the position of each student or practitioner at an on-going basis.
- viii. Review and refinement of the regulations and procedures to manage impairment process in terms of section 51 of the Health Professions Act.

## **5. What is the composition of the Health Committee?**

The Health Committee of Council shall consist of seven (7) members constituted as follows:-

- i. The Chairperson, elected by Council from amongst its members
- ii. A Psychiatrist, elected by Council
- iii. A Clinical Psychologist, elected by Council
- iv. A Clinical Psychologist appointed by Council in consultation with the Professional Board for Psychology
- v. A Psychiatrist, appointed by Council in consultation with the Medical and Dental Professions Board
- vi. An Occupational Health Specialist appointed by Council
- vii. An Occupational Therapist with a post graduate qualification in vocational rehabilitation appointed by council in consultation with the Professional Board of Occupational therapy, Medical Orthotics and Prosthetics and Arts Therapy.

*Protecting the public and guiding the professions*

## **6. What is the impairment process?**

- i. Complaints regarding alleged impairment are lodged with the Health Committee Secretariat;
- ii. The matter is reported to the Health Committee for consideration during its next meeting. An informal investigation in terms of Section 51 of the Health Professions Act (No. 56 of 1974) is conducted;
- iii. The practitioner is informed of the complaint and is requested to undergo an assessment to determine if he/she is impaired or not. One specialist is appointed by the Committee another by the practitioner concerned;
- iv. The above mentioned specialists are given reporting guidelines for the assessment and assessment reports are submitted to the Committee for consideration;
- v. Should the Committee determine that impairment exists; the practitioner will be declared impaired in terms of section 51 of the Health Professions Act (Act No. 56 of 1974). The impairment is then processed on the HPCSA administration system against the practitioners name;
- vi. The Committee would then impose upon the practitioner condition (supervision, prescription restriction, limited scope of practice) to practice;
- vii. The Committee monitors and enforces compliance by the practitioner;
- viii. If impairment does not exist, the Committee dismisses the case and the practitioner is informed accordingly;
- ix. Should the practitioner refuse to subject himself/herself to the informal investigation, the Committee will refer the case to HPCSA Legal Department for a formal investigation in terms of Section 51 of the Health Professions Act; and
- x. The practitioner will be sent a notice to subject himself/herself to do the assessment within 30 days. Should the practitioner refuse to comply with the notice given, his/her name will be suspended from the register of health practitioners.

## **7. Where can I access copies of documents used by Health Committee in execution of its mandate?**

The documents, such as SOPs, regulations etc. are available on HPCSA website for public to access.

## **8. Where does the initial assessment of the impaired doctor take place?**

The practitioner is referred to the independent assessor appointed by the HPCSA closer to where they live.

## **9. Costs – Who pays for the initial assessment of the impaired doctor?**

The practitioner is responsible for the cost of the assessment, and should they not afford private consultation they are referred to public institutions.

## **10. Rehabilitation – Who pays for the rehabilitation expenses; Is it the council or is it the individual practitioner?**

Individual practitioner is responsible for the cost of rehabilitation. The reasons behind each practitioner covering their cost is to ensure that each practitioner owns their rehabilitation process. Should the Council cover the cost of all the practitioner under the management of the Health Committee, it will drastically increase the annual fees.

## **11. Who appoints assessor?**

The Health Committee has appointed pool of assessors in all 9 provinces. The assessor is appoint based on the proximity of the practitioner to be assessed.

## **12. How often does the practitioner submit the report?**

The following are the guidelines that the Committee follow during the rehabilitation process after a practitioner has been declared impaired:

- Quarterly progress reports for a period of twelve months;
- Bi-annual progress reports during the second year;
- Annual report for the third year; and
- Exit interview depending on the progress made in achieving rehabilitation.

## **13. How long does a practitioner stay in the impairment system?**

The process may take up to three years or stay in the system until such time that the Committee resolved that the practitioner is no longer regarded as an impaired practitioner in terms of section 51 of the HPCSA Act no 56 of 1974.

**14. Can I still practice my profession when declared an impaired practitioner?**

The practitioner can still practice after being declared an impaired practitioner because it does not mean suspended to practice the profession.

**15. Where can I appeal the decisions of the Health Committee?**

The practitioner can appeal the decision of the Health Committee by sending an application to the High court for consideration within a months after receiving the outcome.

**17. What happens when a practitioner fail to comply to the Health Committee's resolutions**

In terms of section 51 of the Health Professions Act 56 of 1974, the Health Committee has powers to suspend the practitioner based on the non-compliance to processes as a result of failure to comply with the committee's resolutions.

**18. What are the reasons for a practitioner's suspension by the Health Committee?**

When the Committee receive medical reports, which suggest that the practitioner is unfit to practice, danger to self and to the patients.

**19. Can the suspension be lifted and how long does it take?**

Yes, the suspension is lifted when the Committee is satisfied of the progress made emanating from medical reports which suggest that the practitioner is fit to practice the profession with reasonable skills and safety.

**16. How do I contact the Health Committee for more information?**

For more information on the impairment portfolio, kindly send email to [BasaniM@hpcsa.co.za](mailto:BasaniM@hpcsa.co.za). Expect a TAT of two days.

*Regards*

A handwritten signature in black ink, appearing to read 'M. Black', written over a horizontal line.

**Head of Division: Professional Practice**