

DEPARTMENT OF HEALTH

NO. 668

17 MAY 2019

PHARMACY ACT, 1974 (ACT No. 53 OF 1974)

REGULATIONS RELATING TO CONTINUING PROFESSIONAL DEVELOPMENT

The Minister of Health has, in consultation with the South African Pharmacy Council, in terms of section 33(1)(o) of the Pharmacy Act, 1974 (Act No. 53 of 1974), made the Regulations in the Schedule.



DR. A. MOTSOALEDI, MP

MINISTER OF HEALTH

DATE: 09/03/2019

SCHEDULE

Definitions

1. In these Regulations a word or expression to which a meaning has been assigned in the Act bears the meaning so assigned and, unless the context otherwise indicates-
"Act" means the Pharmacy Act, 1974 (Act No. 53 of 1974), and the regulations and rules published in terms of that Act;

“assessment” means a process of measuring compliance with the requirements of council relating to participation and recording of activities for purposes of continuing professional development in accordance with the requirements of these Regulations;

“continuing professional development” means the process by which registered persons maintain and enhance their competence throughout their professional careers, and encompasses a range of activities including continuing education and supplementary training;

“continuing professional development committee” means a committee appointed by council in terms of section 4(o) of the Act to deal with matters relating to the continuing professional development of registered persons;

“continuing professional development system” means the system provided by council that enables registered persons to record their continuing professional development activities as provided for in these Regulations;

“non-practising” means the designation on the applicable register indicating that the registered person is currently not providing one or more of the services, or performing one or more of the acts, pertaining to the scope of practice of the category in which he or she is registered, or does not intend to provide such services or perform such acts;

“practising” means the designation on the applicable register indicating that the registered person is currently providing one or more of the services, or performing one or more of the acts, pertaining to the scope of practice of the category in which he or she is registered, or intends to provide such services or perform such acts;

Participation in Continuing Professional Development

2. (1) The council may –

- (a) from time to time, by board notice, specify which categories of persons registered in terms of section 14 of the Act, are required to record their continuing professional development activities as provided for in these Regulations;
- (b) designate persons registered in such categories on the register, applicable to the category in which such persons are registered, as practising or non-practising.

(2) A person who is-

- (a) registered in terms of section 14 of the Act; and
- (b) designated as practicing on the register, applicable to the category in which he or she is registered;
may be required, by the council, to participate in and record his or her activities relating to continuing professional development on the continuing professional development system.

Annual Declaration

3. (1) A person registered in a category which is required by the council to record continuing professional development activities must, on an annual basis, make a declaration to the council, as to whether he or she wishes to be designated as practising or non-practising.

(2) The Registrar must indicate in the register applicable to the category in which a person is registered, whether such person has declared that he or she be designated as practising or non-practising.

(3) A person who is designated in the register applicable to the category in which he or she is registered as practising must, on payment of the annual fee applicable to the category in which he or she is registered, make a declaration to the council that he or she will comply with all applicable requirements in terms of these Regulations.

(4) A person who is designated in the register applicable to the category in which he or she is registered as non-practising must, on payment of the annual fee applicable to the category in which he or she is registered, make a declaration to the council that he or she will not provide one or more of the services, or perform one or more of the acts, pertaining to the scope of practice of the category in which he or she is registered while so designated.

Designation on registers kept in terms of section 14

4. (1) A person may choose to be designated on the register applicable to the category in which he or she is registered, as either practising or non-practising.

(2) A person who fails to provide the council, on an annual basis, with a declaration as provided for in regulation 3(1) will be deemed to be practising.

(3) A pharmacist registered as a responsible pharmacist must be designated as practising.

(4) A person approved as a tutor in terms of the Regulations Relating to Pharmacy Education and Training must be designated as practising.

(5) A person who wishes to change his or her designation from practising to non-practising may only do so at the time of payment of the applicable annual fee.

(6) A person who wishes to change his or her designation from non -practising to practising may at any time, request the council that his or her designation be changed.

(7) A person referred to in subregulation (6), must, after such designation has been changed to practising, comply with the requirements of these Regulations on a pro rata basis for the year in which such change is made.

(8) A person who is restored to the register in terms of section 23(3) of the Act and the Regulations relating to the registration of persons and the maintenance of registers, must indicate whether he or she wishes to be designated on the register applicable to the category in which he or she is registered, as either practising or non-practising.

(9) The council must, on an annual basis, issue to each registered person, proof which indicates whether he or she is designated as practising or non-practising.

Assessment

5. (1) The council may assess the compliance of a person with the continuing professional development requirements published by council in a board notice, from time to time.

(2) The required continuing professional development activities must be documented in accordance with the continuing professional development cycle that follows the four step process of reflection on practice, planning, implementation and evaluation or reflection on learning.

(3) The Registrar must convey the outcome of the assessment to the person assessed, within 30 days of receipt thereof from the council.

(4) The person assessed may forward any comment or further representations regarding the outcome of an assessment to the Registrar within 21 days of receipt of the outcome of the assessment.

(5) In the event that a person registered with the council is found to be non-compliant with the requirements of the council relating to participation and recording of activities relating to continuing professional development, the continuing professional development committee may-

- (a) request a further assessment;
- (b) grant the registered person deferment for a period of time as determined by the committee, subject to compliance with conditions which may be determined by the council;
- (c) require the registered person to follow a support or remedial programme; or
- (d) require the registered person to be subjected to another method of assessment.

(6) The Registrar must—

- (a) inform the registered person of the finding referred to in sub- regulation (5) and request him or her to comply voluntarily; or

- (b) refer the matter back to the committee for further consideration in terms of these Regulations in the event the registered person fails to comply.

Non-Compliance

6. In the event that a registered person, after having been so notified -

- (a) refuses or fails to comply with these Regulations;
- (b) refuses or fails to comply with any decision of the committee; or
- (c) does not comply with these Regulations or a decision of the committee within 30 days, or within such other date as may be determined by the committee, or such further period as the Registrar may allow,

the committee may direct the Registrar to recommend that the council change the designation of such person from practising to non-practising or arrange for an inquiry in terms of Chapter V of the Act.

Appeals

7. (1) A person who is aggrieved by a decision of the council in terms of these Regulations may, in writing and within 60 days of such a decision having come to the knowledge of that person, appeal against such decision to an appeals committee appointed in terms of sub-regulation (3).

(2) An appeal must clearly state-

- (a) the decision against which the appeal is lodged; and
- (b) the grounds on which the appeal is lodged.

(3) The Registrar must appoint an appeals committee that consists of no fewer than three persons, constituted as follows:

- (a) The chairperson, appointed on account of his or her knowledge of the law; and

(b) two other members appointed on account of their skills and knowledge of pharmacy practice.

(4) A member of an appeals committee may not have a direct or indirect interest in the affairs of the appellant or respondent.

Deferment

8. (1) The council may, on application, grant to a registered person, deferment of compliance with the requirements relating to continuing professional development.

(2) The deferment may be granted—

(a) following an application setting out adequate reasons for such request; and

(b) subject to such conditions as the council may determine.

Short title and Commencement

9. These Regulations are called the Regulations Relating to Continuing Professional Development, 2019.