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## Frequently Asked Questions for matters relating to impairment programme

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| <b>Document name</b>          | Frequently asked questions for matters relating to impairment programme |
| <b>Responsible officer(s)</b> | Head of Division: Professional Practice                                 |
| <b>Revision</b>               | 2024  |
| <b>Version</b>                | Four  |
| <b>Date of release</b>        | 2 October 2024  |

## **1. What is impairment?**

Any mental or physical condition which affects the competence, attitude, judgement or performance of professional acts by a registered practitioner. Impairment may render a practitioner incapable of practising a profession with reasonable skill and safety.

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

The Health Committee is a non-punitive governance structure of the board that is established to manage matters relating to impairment of the practitioners while also protecting the public. The Health Committee regulates and advise 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 on best course to manage the impairment.

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

Anyone; a student, intern or member of public may 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 student, intern or a practitioner may report his or her own impairment or suspected impairment if he/she is aware 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 is ordinarily constituted as follows: -

- i. The Chairperson.
- ii. A Psychiatrist, or two.
- iii. A Clinical Psychologist, or two.
- iv. An Occupational Health Specialist or Occupational Therapist with a post graduate qualification in vocational rehabilitation.

## **6. What entails impairment management?**

**Typical process unfold as follows:**

- i. Firstly, a complaint regarding alleged impairment shall be submitted to the HPCSA.

- ii. The affected practitioner is informed of the complaint and will be requested to provide information to the health Committee.
- iii. The matter will then be submitted to the Health Committee for consideration. If matter is urgent, the chairperson will attend to it urgently, otherwise, it will serve at ordinary meeting as scheduled.
- iv. Depending on the merits of the case, an informal investigation will be conducted in terms of the regulations relating to impairment wherein a practitioner is requested to submit medical reports or undergo an assessment to determine if he/she is impaired or not. The Health Committee may appoint a specialist to conduct assessment.
- v. The specialist practitioner utilize specific reporting guidelines and templates for the assessment and the assessment reports are submitted to the Health Committee's consideration.
- vi. Should the Health Committee determine that impairment exists; the practitioner will be declared impaired in terms of the regulations, with or without limitation to the conditions of practice. Conditions such as supervision, prescription restriction, limited scope of practice etc.
- vii. The Health Committee monitors and enforces compliance by the practitioner.
- viii. If impairment does not exist, the Health Committee close the case and the practitioner is informed accordingly.
- ix. Should the practitioner refuse to subject himself/herself to the informal investigation, the Committee rely on formal investigation in terms of the regulations; and
- x. Noncompliance may result in suspension from practice.

**7. Where can I access copies of document 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. Use the following link for ease of access: [Core Operations - HPCSA](#)

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

In addition to available reports, the practitioner may be referred to the independent assessor appointed by the HPCSA closest to where they reside.

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

The practitioner is responsible for the cost of the assessment/s, 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 Council covering the cost of all the practitioner's rehabilitation will surely increase the annual fees, for everyone who is registered.

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

The Health Committee has appointed pool of assessors in all 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 Health 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 until such time that the Health Committee resolve that the practitioner is no longer regarded as an impaired practitioner.

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

The practitioner can still practice after being declared an impaired practitioner because declaration does not always mean suspension from practicing the profession. Each case is managed on its own merits.

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

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

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

In terms of the regulations relating to impairment as defined under the authority of section 51 of the Health Professions Act,1974, the Health Committee has powers to suspend the practitioner based on the non-compliance to the processes.

#### **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. The Health Committee continue to monitor report and does not hesitate to review its decision based on impairment status of the practitioner.

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

Yes, the suspension is lifted when the Committee is satisfied with the rehabilitation progress made emanating from medical reports.

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#### **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.