



WHAT IF I receive a HPCSA complaint?

Part 2 of 2



What is a HPCSA complaint?

Any person or company may lodge a complaint to the HPCSA against a healthcare professional registered with the HPCSA, for unprofessional conduct.

Section 61 of the Health Professions Act, 1974 regulates the complaint process.

See part 1 of this "What if series" on the initial complaint process. It deals with the complaint by the patient to the HPCSA and the response by the healthcare practitioner.

Next steps after your response was not accepted:

If after consideration of the complaint, the healthcare practitioner's response and explanation and all additional information available, the preliminary committee of inquiry does not accept the healthcare practitioner's response the committee can either:



Invite the healthcare practitioner to attend an inquiry; or



Request that the healthcare practitioner to pay an admission of guilt fine; or



Conduct formal inquiry and decide that the healthcare practitioner acted unprofessionally and can impose a suitable penalty or punishment such as paying a fine, suspending your license to practice or striking you off the register (see below for information on the formal inquiry).

The healthcare practitioner can reject the admission of guilt fine. If the healthcare practitioner decides to do this then a formal inquiry will be held.

If the preliminary committee decides to hold an inquiry then this must be communicated to the practitioner with a date for the inquiry. The registrar can arrange for either a formal or an informal inquiry.

At the informal inquiry the complaint and the healthcare practitioner's response is discussed with the healthcare practitioner involved, other healthcare practitioners and other members of the public who are not practitioners. The healthcare practitioner can have a legal representative present however the legal representative cannot participate in the inquiry.

At the informal inquiry the practitioner will either be found not guilty or the committee can recommend that the practitioner go through a formal inquiry. All communication must be confirmed in writing from the registrar.

A formal inquiry works similarly to court proceedings. The healthcare practitioner will receive a charge sheet which outlines briefly the charges being brought against the practitioner. An attorney, advocate and expert witnesses can be used to represent the healthcare practitioner's interests. The inquiry will have an outcome of guilty or not guilty. A guilty outcome results in penalties such as a fine or a suspension of the practitioner's license to practice.

What is next?

The HPCSA will communicate their decision regarding your response to the complaint within a time period of 6 months to a year but their response may take even longer.

The legal team who assisted with your response to the initial complaint will assist with any further steps taken by the HPCSA. The Insurer may have responded to the complainant with their in-house legal team and might then decide to appoint attorneys in the event that the HPCSA decides to refer the complaint and the response to a informal or formal inquiry.