

Dentists turn to court over regulations

Dentists want the High Court in Pretoria to set aside a government decision to impose regulations on their assistants, *The Star* reported on Monday (17 December).



Image: GCS

The regulations require assistants to obtain certain qualifications and declare that they fall under a professional board.

The South African Dental Association (Sada), the body to which most dentists in South Africa belong, said in court papers that there were uncertainties over regulations promulgated in 2005.

These had left dentists in a quandary over whether they could lawfully employ dental assistants unless they were registered with the Health Professions Council of SA (HPCSA).

Sada had tried to clear things up with the government, but to no avail.

Before 2005, there had been no requirement for such registration and dental assistants did not need qualifications.

Sada chief executive Margaretha Smit said uncertainty over registration requirements was troublesome as the Health Professions Act, in certain circumstances, rendered it a criminal offence to practice a profession without being registered.

The Star report added that Sada found the government had not followed due process before promulgating the regulations, and that they had been confusing.

The issue has been the focus of a legal tussle between Sada, Health Minister Dr Aaron Motsoaledi, the HPCSA and the chairman of the Professional Board for Dental and Oral Hygiene.

Sada, in papers before the court, said the Health Professions Act did not give the minister the power to decide which professions could be registered.

The paper further reported that Sada stated in court papers that when the minister established the Board for Dental Therapy and Oral Hygiene, the only professions it regulated were dental therapists and oral hygienists. However, the minister had meanwhile included two dental assistants to assist on the board.

Smit said that at no point before the promulgation did the minister establish a profession for dental assistants or extend the board's powers to regulate dental assistants' activities.

Meanwhile, dental assistants who belong to the Dental Assistant Association of SA, have asked the court to add them as respondents in the application.

The court postponed to application indefinitely and added the association as a respondent.

Source: *Sapa* via I-Net Bridge

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