
Media Statement

**THE PROFESSIONAL BOARD FOR RADIOGRAPHY AND CLINICAL TECHNOLOGY
CONCERNED ABOUT COMPANIES CONDUCTING/FACILITATING POLYSOMNOGRAPHY
(PSG) SLEEP STUDIES AND CPAP TITRATION STUDIES**

8 November 2018

For immediate release

Pretoria – The Health Professions Council of South Africa’s (HPCSA) Inspectorate Office, as directed by the Professional Board for Radiography and Clinical Technology, is investigating various private companies performing home-based polysomnography (PSG) sleep studies and continuous positive airways pressure (CPAP) titration studies with the aid of PSG equipment. Such conduct is in contravention of the Health Professions Act, 56 of 1974 as it falls within the scope of profession of Clinical Technology (either with specialisation in Neurophysiology or Pulmonology), which is a profession registerable with the HPCSA, whilst neither their owners/directors or employees are registered as Clinical Technologists with the HPCSA.

Section 17(1)(a) of the Health Professions Act, 56 of 1974, provides that “No person shall be entitled to practise within the Republic any health profession registrable in terms of this Act unless he or she is registered in terms of this Act.”

Section 17(5) of the Act provides that “Any person who is not registered in terms of this Act and practises a health profession is in contravention of this section or who pretends to hold such registration is guilty of an offence and on conviction is liable to a fine or to imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment.”

Regulation 2 of the “Regulations Defining the Scope of Profession of Clinical Technology”, Published under Government Notice R721 in Government Gazette 13137, of 5 April 1991, provides that “The following acts are hereby specified as acts that shall, for the purposes of the Act, be deemed to be acts

pertaining to the profession of clinical technology, which acts shall be performed as an auxiliary service to medicine:

(a) Clinical technology in general:

- (i) The performance, in collaboration with a medical practitioner, of clinical investigative procedures with the aid of appropriate apparatus and techniques.
- (ii) The performance of corrective and therapeutic procedures in collaboration with a medical practitioner.

(f) Neurophysiology: The performance of electrophysical procedures, as well as tests on the brain, nervous system and muscular systems of the patient.

(g) Pulmonology: The performance of lung function examinations with the aid of electronic and computerised equipment in order to support and confirm the diagnosis of respiratory disease.

Whilst in some instances, the companies have been found to be employing Clinical Technologists, who have been found to be registered with the HPCSA under the category of supervised practice and they are therefore not authorised to practise independently. Nurses may also not perform the home-based PSG sleep and CPAP titration studies as it falls within the scope of profession which requires them to be registered with the HPCSA.

Furthermore, where these companies outsource the interpretation and the making of recommendations based on the data collected by them to Clinical Technologists, such conduct, on the part of these Medical Technologists, is in contravention of ethical rule 8(1) of conduct for practitioners registered under the Health Professions Act 56 of 1974, by practising in association with these companies whilst neither their owners or directors are registered with the HPCSA.

Whilst not only are these companies conducting themselves in contravention of the Health Professions Act 56 of 1974, there is a concern that the services provided by unregistered persons may result in incorrect diagnoses and treatments which might result in the patient's health being compromised, wrong patient treatment applied and in severe cases loss of life. Therefore, it is highly unethical to subject and charge patients for services whilst such persons are not adequately trained or qualified to do so.

Any registered practitioner associated with or referring services to an unregistered and unqualified person will be held liable for contravening the ethical rules of the HPCSA and may face charges and have fines imposed. Any unregistered person who performs professional acts falling within the scope of a registerable profession will be prosecuted. Registered practitioners are reminded that collusion with medical device companies and or receiving any financial gain from such practices must be reported to the HPCSA in terms of the ethical rules.

No practitioner should share fees or receive payment for procedures not involved with directly, except in the case of locums. Practitioners are also reminded to practise within their scope of practice and may not perform procedures or investigations that fall outside their scope of practice. The question that arises is, how are these companies remunerated for these tests that they are performing illegally as they are not registered? Furthermore, the practice numbers they obtain from Board of Healthcare Funders (BHF) are for supplying equipment, which in itself does not allow them to claim for sleep testing procedures. Preliminary investigations show that these companies are paid by most medical aids for conducting sleep tests by claiming under procedure codes 2719, 2720 and 2724.

2719 - Overnight polysomnogram and sleep staging: Hire

2720 - Overnight polysomnogram and sleep staging: Interpretation

2724 - Overnight continuous positive airways pressure (CPAP) titration

This cannot happen as their BHF practice numbers were obtained for supplying equipment and these claims are for performing sleep tests by registered Medical Practitioners.

Another way that they are able to be paid for these tests is that the companies claim that they conduct the test “free of charge” and then claim for the rental of the equipment to perform the tests. This can be seen as misleading of the Medical Aid companies as they are creating the demand for the rental of their equipment by conducting illegal sleep studies.

It seems that this is blatant misrepresentation and the Medical Aid companies have no way of identifying this illegal practice without it being brought to their attention.

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About the Health Professions Council of South Africa (HPCSA)

The Health Professions Council of South Africa (HPCSA) also known as Council is a statutory body established under the Health Professions Act 56 of 1974. The HPCSA is committed to protecting the public and guiding the professions. The mission of the HPCSA is quality and equitable healthcare for all.

The HPCSA is mandated to regulate the health professions in the country in aspects pertaining to education, training and registration, professional conduct and ethical behaviour, ensuring Continuing Professional Development (CPD), and fostering compliance with healthcare standards.

In order to safeguard the public and guiding the professions, registration in terms of the Act is a prerequisite for practising any of the health professions registrable with Council.

Issued by:

Daphney Chuma

Head of Division: Corporate Affairs

Health Professions Council of South Africa

Tel: 012 338 9481

Cell: 071 680 8111

Email: daphneyc@hpcsa.co.za

For further information contact:

Veli Lukhozi

Deputy Company Secretary

Professional Boards for Radiography and Clinical Technology /

Professional Boards for Medical Technology

Tel: 012 338 9458

Email: velil@hpcsa.co.za