



Dr Anban Pillay
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Ref: Educational Psychologies Scope
of work
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Dear Dr Pillay

Re: Educational Psychologist Scope of work: Dr G Kistnasamy

The letter from Dr Kistnasamy refers.

The Council for Medical Schemes received enquiries with regards to the validity of the scope of practice of psychologists since the two-year suspension of the November 2016 High Court Order has long passed.

The Cape High Court ordered that the Regulations Defining the Scope of the Profession of Psychology as published by the Minister of Health in Government Notice 704 GG 34581 of 2 September 2011 be declared invalid.

The Court further ordered that the order declaring the Regulations invalid be suspended for two (2) years to enable the following to occur:

- For the Regulations to be referred back to the Minister of Health (and by implication the Department of Health) for reconsideration and by implication the drafting and promulgation of a new set of regulations; and
- For Professor Tholene Sodi, the Professional Board for Psychology and the Health Professions Council to utilize the two year period of suspension of the Court order to consider and establish those cases where disciplinary steps had been taken against certain service providers in terms of the Regulations for acting outside their scope of practice (as determined by the Regulations) and to postpone such disciplinary proceedings pending the promulgation of new regulations by the Minister.

The effect of the suspension of the court order is that the 2011 Regulations effectively remained in place for the two-year period referred to in the court order.

However, upon expiry of the two-year period the court order declaring the 2011 Regulations invalid came into effect and the Regulations were from that date onward invalid.

The Court order required that the Minister of Health and National Department of Health draft and promulgate suitable replacement regulations during the two-year period of suspension of the order.

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It seems this process did not happen and there do not appear to be any Regulations published to replace those of 2 September 2011.

The effect accordingly is that the 2011 Regulations ceased to exist and that the Regulations which preceded those of 2011 would effectively come into effect.

The Practice Framework for Psychologists, Psychometrists, Registered Counsellors and Mental Health Assistants, published by the HPCSA dated 12 December 2008 is therefore the current effective framework that applies.

All providers therefore need to claim and be funded as per the 2008 publication.

Yours sincerely



Dr SIPHO KABANE

CEO & REGISTRAR

COUNCIL FOR MEDICAL SCHEMES

DATE: 25/03/2020

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