

**SOUTH AFRICAN ORTHOTIC AND
PROSTHETIC ASSOCIATION (SAOPA)**

**Ethical Rules, Professional Conduct and
Minimum Requirements for Private Practice
Accreditation.**

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1. PREAMBLE

1.1. Introduction

The practice of orthotics and prosthetics (the "Profession") is a recognized health profession. The orthotist and/or prosthetist assume specific responsibilities to the physician or other registered healthcare prescriber, the patient, the public, associates and to the Profession itself. These responsibilities must be discharged with honor and integrity to assure the maintenance of public confidence in the Profession.

The Profession exists for the primary purpose of assisting patients in maintaining functional lives. The orthotist and/or prosthetist shall be responsible for making the greatest possible effort to satisfy the patient's orthotic or prosthetic requirements. The manner in which the patient is served is the essential factor relating to the appropriate ethical professional conduct.

Members of the Profession are responsible for maintaining and promoting ethical practice. This Canons of Ethical Conduct ("Canons"), adopted by the South African Orthotics and Prosthetics Association (SAOPA), shall be binding upon all who are members.

1.2. Ethics, Custom and the Law

Unethical conduct may involve violations of customs and usages of the Profession as well as actions that violate the law. Failure to conform to these Canons, including conduct that violates moral principles, customs and practices of the Profession or the law, shall be subject to disciplinary action and ultimate determination by the adjudicative authority as established in the Rules and Procedures Regarding Ethical and Professional Discipline Complaints ("Rules and Procedures").

Such disciplinary action depends upon the particular circumstances involved and how the conduct in question reflects upon the dignity and integrity of the Profession.

Depending upon the circumstances, disciplinary action may involve a warning, reprimand, temporary suspension, deregistration, censorship or referral for criminal prosecution or civil action.

Although deregistration is the maximum penalty that may be imposed by the Health Professional Council of South Africa (HPCSA) for a registered orthotist and/or registered prosthetist who violates these Canons, each orthotist/prosthetist has a civic and professional obligation to report to the appropriate governmental body any and all evidence that may come to his/her attention involving the

alleged criminal conduct of any orthotist and/or prosthetist relating to the practice of orthotics or prosthetics.

2. DIAGNOSIS AND PRESCRIPTION

2.1. Orthosis

2.1.1. Diagnoses

It is the sole responsibility of the physician or appropriately registered health care provider, and not the orthotist, to determine the medical appropriateness of the orthosis.

2.1.2. Prescription

Therefore, the Orthotist must receive a prescription from a physician or appropriately licensed healthcare provider before providing any orthosis to a patient.

2.1.3. Existing Orthosis

Notwithstanding the above, the orthotist may, without prescription, provide an orthosis, to a patient if:

- 2.1.3.1.** the Orthotist does not expend his or her professional skills in the custom fabrication and/or fitting of the orthosis, to the patient, and
- 2.1.3.2.** the cost of the orthosis, is billed directly to and/or paid by the patient or are billed in accordance with third-party payer regulations.

2.2 Prosthesis

2.2.1 Diagnoses

The Prosthetist may assess a patient and determine the medical appropriateness of a prosthesis.

2.2.2 Prescription

Therefore, the Prosthetist may prescribe and provide a prosthesis to a patient.

2.3 Orthotic and Prosthesis Evaluation and Recommendation

It is the responsibility of the orthotist or prosthetist to recommend specific orthotics and/or prosthetics design. The orthotist and/or prosthetist shall recognize that each individual patient is different and deserves specific

and responsive guidance from the orthotist or prosthetist. After evaluating a patient, the orthotist or prosthetist shall recommend to the physician or other prescribing healthcare provider specific orthotic or prosthetic designs along with the reasoning for such recommendations.

The Orthotist and/or Prosthetist shall be guided at all times by concern for the physical, emotional, social and economic welfare of the patient. All decisions by the orthotist and/or prosthetist must be made with the understanding and intent that the patient's best interests are the primary concern.

2.4 Changes in Patient's Condition

When requested by the patient and/or the patient's physician or healthcare provider, the orthotist and/or prosthetist shall monitor and observe the patient's physical condition in connection with the orthotic or prosthetic care and the prescribed device to make certain the patient is responding appropriately.

As soon as possible, the orthotist or prosthetist must notify the physician or referring health care practitioner and the patient of any change in the patient's condition related to the orthotic or prosthetic management plan and the patient's medical evaluation.

2.5 Provision of Services

The Orthotist and/or Prosthetist shall recognize the patient's freedom of choice in selection of the orthotic or prosthetic design and treatment. Professional affiliations, including employment and referral relationships, may not limit access to services and shall not affect the decision making process of the Orthotist or Prosthetist.

Orthotists' and Prosthetists' professional practices and their adherence to the ethical principles of **HPCSA** shall take preference over business relationships.

Provision of services for personal financial gain of the Orthotist or Prosthetist, rather than for the need of the individual receiving the services, is unethical.

2.6 Altering Orthotic or Prosthesis

The Orthotist may repair or adjust an orthosis without notifying the prescribing healthcare provider. However, such repairs or adjustments must conform to the original prescription.

The physician or the prescribing healthcare provider must authorize any repairs, adjustments, modifications and/or replacements that substantially alter the original prescription.

3 RESPONSIBILITIES TO THE PATIENT

3.2 Confidential Information

All information relating to a patient's background, condition, treatment or management plan or any other information relating to the Orthotist and/or Prosthetist / patient relationship is and shall always remain confidential and may not be communicated to any third party not involved in the patient's care without the prior written consent of the patient or patient's legal guardian.

Patient information that may be derived as a result of any Orthotist and/or Prosthetist peer review process shall be held and always remain confidential by all participants unless written permission to release the information is obtained from the patient or patient's legal guardian.

All patient information derived in a work place from a working relationship among Orthotists and Prosthetists relating to any patient shall be held and always remain confidential by all parties.

All Orthotist and or Prosthetist shall strictly adhere to the confidentiality requirements set forth in this Section 3.1 unless the information is required by court order or it becomes necessary to disclose such information to protect the welfare of the patient and/or the community. In such an event, all disclosures of confidential information shall be in accordance with applicable legal requirements.

3.3 Competency

All Orthotists and Prosthetists shall provide competent services and shall use all efforts to meet the patient's orthotics and prosthetics requirements. Upon accepting an individual for orthotics or prosthetics services, the Orthotist or Prosthetist shall assume the responsibility for evaluating that individual; planning, implementing and supervising the patient; reevaluating and changing the program; and maintaining adequate records of the case, including progress reports.

3.4 Research

All Orthotists or Prosthetists shall support research activities that contribute to the understanding of improved patient care.

In the event that any orthotist or prosthetist desires to engage in a research project or study, he/she shall first ensure that:

- 3.4.1 all patients affiliated with such projects or studies consent in writing to the use of the results of the study;
- 3.4.2 the data and information regarding the patient remains confidential;
- 3.4.3 the well being of the patient shall be the primary concern;
- 3.4.4 the research is conducted in accordance with all state law;
- 3.4.5 there is an absence of fraud;
- 3.4.6 all data is fully disclosed;
- 3.4.7 there is an appropriate acknowledgment of individuals making contribution to the research; and
- 3.4.8 in the event that any acts in the conduct or presentation of research appears to be unethical or illegal, the orthotist or prosthetist shall immediately report the unethical or illegal conduct to SAOPA and, if appropriate, the applicable law enforcement authority.

3.5 Trust and Honesty

All Orthotists and Prosthetists shall always be truthful and honest to the patient, the physician and the public in general.

3.6 Fees and Compensation

- 3.6.1 Fees for orthotic and prosthetic services should be reasonable for the services performed, taking into consideration the setting in which the services are provided, the practice costs in the geographic area, the judgment of other related or similar organizations, and other relevant factors.
- 3.6.2 The Orthotist and Prosthetist shall never place his/her own financial interest above the welfare of the patient.
- 3.6.3 It is unethical for the orthotist and/or prosthetist to engage in false, misleading or deceptive actions in relation to the ultimate cost of the services undertaken or furnished.
- 3.6.4 Over utilization caused by continuing orthotics or prosthetics services beyond the point of possible benefit or by providing services more frequently than necessary is unethical.
- 3.6.5 Submission of false or misleading information in requesting reimbursement from third-party payers, including Medical Aids and private insurers, is unethical.

- 3.6.6 The Orthotist and Prosthetist shall supply what is quoted for.
- 3.6.7 The Orthotist and Prosthetist shall prescribe and supply components most suitable to a patient's needs, within financial constraints.

3.7 Practice Arrangements

Orthotists and/or Prosthetists shall not:

- 3.7.1 directly or indirectly request, receive or participate in dividing, transferring, assigning or rebating any funds derived from a referral of a patient to any other individual or entity, whether affiliated with the orthotist and/or prosthetist or otherwise; or
- 3.7.2 except for the fees earned for services performed for the patient, profit by means of a credit or other valuable consideration, such as an unearned commission, discount or gratuity for providing of orthotics and prosthetics services.
- 3.7.3 The Orthotist and/or Prosthetist shall refer all patients to the most cost-beneficial service provider, taking into consideration the nature and extent of the problem, treatment resources and availability of healthcare benefit coverage, and the likelihood of receiving appropriate and beneficial care.
- 3.7.4 Participation in the business, partnership, corporation or other entity does not exempt the orthotist and/or prosthetist, whether employer, partner or stockholder, either individually or collectively, from the obligation of promoting and maintaining these Canons and the ethical principles of the HPCSA.
- 3.7.5 If the Orthotist and/or Prosthetist is involved in an arrangement with a referring source in which the referring source derives income from the Orthotists and/or Prosthetists services, the orthotist and/or prosthetist must disclose to the patient that the referring practitioner derives income from the provision of the services.
- 3.7.6 Orthotists and/or Prosthetists shall advise their employer of any employer or employee practice, which is in contradiction with these Canons, and the ethical principles of SAOPA and HPCSA.

3.8 Delays in Services

It is unethical for the orthotist and/or prosthetist to accept any prescription when the orthotist or prosthetist knows, or has good cause to believe, that the orthosis and/or prosthesis cannot be furnished within a reasonable

period of time.

In such instances, the orthotist and/or prosthetist must discuss the situation with the patient and prescribing healthcare practitioner.

3.9 Compliance with Laws and Regulations

Orthotists and/or Prosthetists shall provide consultation, evaluation, treatment and preventive care in accordance with the laws and regulations of the jurisdictions in which they practice.

3.10 Consumer Protection

All Orthotists and/or Prosthetists shall report to SAOPA/HPCSA any conduct that appears to be unethical, incompetent or illegal. Failure to report any such behavior, which is known to an orthotist and/or prosthetist, shall be unethical.

3.11 Delegation of Responsibility

Orthotists and/or Prosthetists shall not delegate any responsibility requiring unique skills, knowledge or judgment to a less than qualified person. The primary responsibility for orthotics and prosthetics care performed by supporting personnel rests with the delegating orthotist and prosthetist.

Adequate supervision is required to make certain the patient receives the necessary and appropriate care.

3.12 Information to Patient

Orthotists and/or Prosthetists shall endeavor to educate the public about the Profession through the publication of articles as well as participation in seminars, lectures and civic programs.

All information provided to the public shall emphasize that each individual situation is unique and requires specific, targeted evaluation and process. Orthotists and/or Prosthetists shall not use, nor participate in any use of, any form of communication containing a false, fraudulent, misleading, deceptive, unfair or sensational statement or claim.

Orthotists and/or Prosthetists shall not provide any consideration to any member of the press, radio or television, or other communication medium in exchange for professional publicity in a news item. Each advertisement shall be identified as an advertisement unless it is absolutely clear from the

context that it is a paid advertisement.

3.13 Illegal Discrimination

The Orthotist and/or Prosthetist shall not decline to accept a patient on the basis of race, gender, color, religion or national origin or on any basis that would constitute illegal discrimination.

3.14 Sexual Relations with Patient Prohibited

The Orthotist and/or Prosthetist shall not have consensual or nonconsensual sexual relations with a current or former patient of the orthotist and/or prosthetist unless a consensual sexual relationship existed between the orthotist and/or prosthetist and the patient prior to the provision of any orthotic or prosthetic services or the orthotist and/or prosthetist has not provided any orthotic or prosthetic services to the patient for the one year period preceding the beginning of the sexual relationship.

The Orthotist and/or Prosthetist shall not engage in, require, or demand sexual relations with a patient incident to or as a condition of any orthotic or prosthetic services. For purposes of this canon, "orthotist" or "prosthetist" means any orthotist and/or prosthetist who provides or assists in the provision of orthotic or prosthetic services to the patient.

Every complaint alleging a violation of this Canon 3.13 shall be considered on a case-by-case basis to ensure the proper application of the intent of this Canon 3.13.

4 RESPONSIBILITIES TO COLLEAGUES AND THE PROFESSION

4.2 Dignity and Status

All Orthotists and Prosthetists have the personal responsibility to conduct themselves in a manner that will assure the dignity and status of the Profession. Examples of unacceptable behavior include, but are not limited to, misusing the registration credential; slandering or libeling another; disparaging former employers; disparaging former employees; unhygienic working areas; dirty and unclean dress code and misrepresenting one's capacity as a provider of services.

4.3 Commercialization

The primary professional function of the orthotist and/or prosthetist is to develop the orthosis or prosthesis as part of a medical treatment team. However, the orthotist and/or prosthetist is not prohibited from providing

related commercial services, such as furnishing soft durable medical supplies, as long as each patient and the public in general is made aware of the differences between the Orthotists and/or Prosthetists professional and commercial services.

4.4 Solicitation

It is unethical for an orthotist and/or prosthetist to either directly or indirectly solicit the patronage of individual patients by way of intimidation, threats, harassing conduct, undue influence, coercion, duress, unwarranted promises of benefits or solicitation of a patient who is apparently in a mental condition that impairs his/her personal judgment to make decisions concerning the products or services being offered.

4.5 Peer Review

It is expected that, in the future, the Profession shall create a system of peer review to include a panel comprised of registered Orthotists and Prosthetists ("Panel").

When established, the Panel will determine whether the orthotist and/or prosthetist is practicing in accordance with these Canons and providing adequate services. In the event that the Panel determines there is violations of these Canons and/or inadequate services are being provided, the Panel will refer the matter to SAOPA and or HPCSA, which shall handle the matter as a complaint and proceed in accordance with these Canons and the Rules and Procedures.

4.6 Continued Professional Development (CPD)

All Orthotists and/or Prosthetists shall attend CPD programs and forums in academic and clinical settings. Each orthotist and/or prosthetist shall regularly attend appropriate seminars and lectures, review relevant periodicals, magazines and literature, and otherwise keep abreast of all developments in the Profession as required according to the CPD requirements of the HPCSA.

It is unethical for the orthotist or prosthetist to participate in any programs, educational or otherwise, that falsely or deceptively represent the rights and privileges of the Profession.

5 APPLICATION OF CANONS TO REGISTERED STUDENTS, FOOTWEAR TECHNICIANS, ASSISTANTS AND ACCREDITED FACILITIES

5.2 Adherence to Canons

These Canons shall apply to all registered students, footwear technicians, assistants and accredited facilities that provide services related and incident to the orthotist and Prosthetist.

5.3 Responsibility of Orthotists and Prosthetists

The Orthotist and/or Prosthetist as well as the accredited facility supervising and/or employing the students, footwear technicians and assistants shall be responsible for their compliance with these Canons and shall use reasonable efforts to ensure their associates and technicians are in compliance with these Canons.

6 PATIENT CARE BY OTHER PROFESSIONALS

6.2 Concerns About Care by Peers

The Orthotist or Prosthetist should exercise appropriate respect for other healthcare professionals. Concerns regarding patient care provided by other professionals should be addressed directly to those professionals rather than to the patient.

In the event that such concerns rise to the level of criminal violation, incompetence, malpractice or violation of these Canons, then the orthotist and/or prosthetist must immediately notify SAOPA.

The Association will take appropriate action in accordance with these Canons and applicable law.

7 REGISTRATION

7.2 Use of Registration

The registered Orthotist and/or registered prosthetist shall use the fact that they are registered only as evidence of meeting the requisite standard of knowledge and competency in the profession as defined by the HPCSA. It is unethical for a non-registered orthotist and/or prosthetist to represent, directly or indirectly, that he or she is registered.

~~8 PRACTICE ACCREDITATION~~

~~All Orthotic and/or Prosthetic practices must adhere to all of the following minimum criteria to be eligible for accreditation with SAOPA/HPCSA.~~

~~Non-accredited practitioners will not be supported by SAOPA in cases of~~

~~disputes with patients, HPCSA and or Third party payers.~~

~~8.2 Qualifications~~

- ~~8.2.1 All practicing Orthotist and Prosthetists will adhere to the minimum qualifications as prescribed by the Health Professions Act 56 of 1974, Government notice R.58 as amended.~~
- ~~8.2.2 Such qualification must be openly displayed in an area accessible to patients.~~
- ~~8.2.3 All qualified Orthotist and Prosthetists must have adequate Professional Indemnity insurance.~~

~~8.3 Premises~~

~~The premises must be a physical building of the following minimum criteria:~~

- ~~8.3.1 Accessible to Disabled people with ramps and the minimum of stairs.~~
- ~~8.3.2 Premises must comply with the Municipal Building regulations in the geographical area of practicing.~~
- ~~8.3.3 Reception and Manufacturing / Fitment area must be physically separated.~~
- ~~8.3.4 Separate fitment rooms to be on site to uphold patient dignity.~~
- ~~8.3.5 Premises must comply with the Health and Safety Act 85 of 1993.~~
- ~~8.3.6 Premises must be well ventilated and adequately lighted.~~

~~8.4 Staff~~

- ~~8.4.1 All staff must sign a Declaration of Confidentiality to protect the patient / practitioner confidential information. A physical copy of which must be kept on each staff members file.~~
- ~~8.4.2 All staff must be trained in working with disabled people.~~

~~8.5 Manufacturing / Modification~~

- ~~8.5.1 Practitioners must have at least the minimum equipment on site, as prescribed by SAOPA, which will enable them to effect modifications to prosthesis.~~
- ~~8.5.2 If on site manufacturing of orthotic and prosthetics takes place, all equipment needed to deliver a professional service / product, must be on site and well maintained.~~

~~8.6 Guarantees on products / services~~

~~8.6.1 All products supplied and services rendered, whether it was manufactured, modified or supplied, must be guaranteed against manufacturing defects for at least 6 months from date of supply.~~

~~8.6.2 All products supplied and services rendered must be fitted to the patient's satisfaction.~~

~~8.6.3 Adjustments and/or slight modifications within 30 days from date of first fitment for Orthotics and 90 days for Prosthetics, must be done free of charge.~~

~~8.6.4 Quality control measures must be in place and controlled by the qualified Orthotist / Prosthetist.~~

~~8.7 Availability~~

~~8.7.1 Regular hours of work must be adhered to between 08h00 and 17h00 Monday to Friday, excluding Weekends and Public Holidays during which times a Qualified Orthotist / Prosthetist must be available on site.~~

~~8.7.2 An after hour service must be provided for emergency cases outside of normal hours.~~

~~8.7.3~~