



## ADVISORY

The South African Dental Association Newsletter  
Informing Oral Healthcare Professionals

Bulletin



### SADA Professional Advisory Bulletin

- Ethical Bulletin - Handling Complaints – Part 1
- Understanding Dental Assistants registration since inception

**Circulation date: 14 March 2024**

Dear SADA Member

In the next four editions of the Clinical Bulletin, SADA will present a four-part series that focuses on improving our member's understanding of patient complaints. SADA introduced an independent complaint resolution service in 2012 as an alternative to the HPCSA for patients wanting to complain about their dental care. Since then, the service has successfully resolved over 5 500 disputes between patients and dentists. We want to share valuable experience gained over the last 12 years with our members to help them prevent patient complaints.

## CLINICAL

### Ethical Bulletin - Handling Complaints – Part 1

#### I have received a patient complaint; what now?

As with any professional service, there may be times when things go differently than planned, and complaints arise. Patients who are unhappy with their dental treatment or how much they paid only have a view of different options. Most patients usually try to communicate their concerns and expectations to the dentist or the staff at the practice, either verbally or in writing. Only when the practice is unable or unwilling to help do these patients decide to involve a third party, like the South African Dental Association or the Health Professions Council.

Most complaints received by the South African Dental Association or the Health Professions Council could have easily been handled in-house through a practice complaint procedure. Patients who direct a complaint to the Health Professions Council may sometimes be disappointed by the outcome, as those processes can be lengthy and may not result in an explanation or an apology, which is often the outcome the patient seeks.

In a dental setting, the best way to help the patient is for the dentist to invite them to discuss their concerns at the earliest possible stage. After all, if the dentist is not aware of the patient's dissatisfaction, it will be impossible to resolve. To encourage patients to discuss any problem they might have, they need to be confident they will be listened to and that their complaints will be dealt with promptly and effectively.

#### Do's and don'ts when you receive a complaint:

- A patient who communicates their unhappiness does not want to be told that they are in the wrong or are being unreasonable or that no one else has ever complained.
- The unhappy patient wants to be acknowledged and taken seriously. They want someone to listen to their experience, concerns and expectations without interrupting. If the practice doesn't listen to their complaint, they will look for a willing ear to listen, like SADA, the HPCSA or a lawyer.

- Patients want to be given the time and recognition to explore the complaint as thoroughly or superficially as they want, and don't want to feel that they or their complaint is being 'swept under the carpet'.
- An effective complaints procedure can prevent unnecessary third-party involvement and provide a basis for a dentist and patient to rebuild their relationship.

An in-house complaints procedure is not intended to resolve a question of liability or negligence, any financial or other compensation, or a regulatory complaint. In these instances, dentists must contact their indemnifier urgently for advice and assistance.

The next edition will cover the design and implementation of an in-house complaint procedure.

## LEGAL

### Understanding dental assistant registration since inception

The recent communication by the Association to members reminding them about the last board examinations for dental assistants scheduled for 26 March 2024, raised a flurry of inquiries, misunderstandings, and more questions.

For the benefit of members, we provide historical time lines for dental assistant registration.

#### Before 2005

Before 2005, dental assistants were employed by practitioners and were provided with the so-called 'on the job' training by the practitioner in a manner that suited their practice operations. As a result of submissions from bodies representing dental assistants, the relevant board of the HPCSA opened the registration process to professionalise dental assistants.

#### 15 April 2005

The first regulations relating to the qualification for registration of dental assistants were gazetted.

It provided that any person who worked as a dental assistant for a minimum period of five years before 31 March 2002 could apply to the board for registration as a dental assistant, and the board may, at its discretion, exempt such person from the requirements of obtaining a qualification ('grandfather clause'). No board examinations were necessary; only payment of annual fees to maintain registration was required.

#### 30 May 2008

The Professional Board for Dental Therapy and Oral Hygiene (PBD OH) provided

- for student registration to those enrolled as student dental assistants at an approved educational institution AND
- to a person who worked as a dental assistant without being registered before the date of publication of these regulations, for a period of less than five years.

They were required to register within 4 months of the date of publication of these regulations.

#### 14 February 2012

The grandfather clause was extended, with the HPCSA recommending that unregistered practising dental assistants who were working for a minimum of five years be afforded another opportunity to register with the HPCSA.

The Minister of Health subsequently approved the recommendation. This time, unregistered practising dental assistants were given six months within which to apply for registration.

### **2014/2015**

The South African Dental Association (SADA) unsuccessfully instituted legal action against the registration of dental assistants.

In March 2014, the North Gauteng High Court recommended that unregistered dental assistants not be subjected to criminal proceedings and the dentists not be subjected to unprofessional conduct proceedings until 31 March 2016. This was to allow the assistants to obtain the necessary qualifications. This meant that the High Court had put a moratorium on the criminal prosecution of unregistered practising dental assistants, and the prosecution of dentists for employing unregistered practising dental assistants.

The South African Dental Association appealed the judgement and, in November 2015, the Supreme Court of Appeal confirmed the High Court's decision that dental assistants have to be regulated in order to protect the public and themselves.

### **2015**

The PBDOH announced the phasing out of board examinations for student dental assistants registered under the grandfather clause (years of experience), in terms of 30 May 2008 notice.

The Board implemented a board examination for student dental assistants who are currently registered under the grandfather clause, i.e., registration based on years of experience. The first board examination was conducted on 15 May 2015. Successful candidates in the board examination will be registered as dental assistants.

The board examination will be phased out in 2016 (the last examination will be conducted in 2016), and student dental assistants who have not undertaken the board examination by 2016 will be required to enrol in the formal dental assistant course at an accredited education institution.

It was no longer possible to register as a student dental assistant or a dental assistant in terms of the grandfather clause, i.e., registration based on years of experience, since the provision in the regulations for registration in terms of the grandfather clause has expired.

### **7 April 2017**

The HPCSA again provided that any person who worked as a dental assistant, before the date of publication of these regulations for a minimum period of five years without being registered as such could apply to the board for registration as a dental assistant.

Dental assistants were again given 6 months within which to apply for exemption.

The person was required to pass the board examination within two years after registration as a dental assistant, failing which, such a person shall be removed from the register of dental assistants.

### **3 March 2023**

As a result of representations by SADA to the PBDOH during 2020 and 2021, draft regulations were published in the gazette inviting comments, which provided that any person who worked as a dental assistant could apply to the Board for registration, and the

Board may exempt such person from being qualified. There is no requirement to have worked for a specific number of years, and there is no time limit for registration.

**These draft regulations and recommendations are awaiting final approval and promulgation by the Minister of Health. The PBDOH cannot provide any information on when the above regulations will be promulgated.**

**Members are reminded that it is no longer possible to register as a student dental assistant or a dental assistant in terms of the grandfather clause, i.e., registration based on years of experience, since the provision in the regulations for registration in terms of the grandfather clause has expired until the draft regulations are promulgated.**

#### **26 June 2023**

The Professional Board of Dental Assisting Dental Therapy and Oral Hygiene issued its Notice of Final Board Examinations for all those dental assistants who were registered under the grandfather clause based on experience to register as dental assistants.

This concession only applied to all dental assistants who were registered as student dental assistants under the grandfather clause at any time and failed to write the Board examinations or allowed their registration to lapse due to non-payment of their annual fees.

The examinations are planned to be held in November 2023 and March 2024 (exact details to be advised a month before each exam date).

Dental assistants were requested to continue to use their student dental assistant number (even if lapsed) on the application form.

After successfully passing the exam, they will have to first pay the restoration fees if annual fees were not paid, which will be calculated according to the timeframe that they were off the register, which can be up to six times the annual fees plus the current year's fees.

Yours in oral health

**Dr Tinesha Parbhoo - Head Clinical Support**

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**2024 SADA Dental & Oral Health Congress and Exhibition**



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