



SADA Professional Advisory Bulletin

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Circulation date: 27 February 2025

Dear SADA Member

CLINICAL

WITHDRAWAL OF REGULATIONS FOR THE MANAGEMENT OF MERCURY IN SOUTH AFRICA

Please Note: ON 24 February 2025, the Minister of Forestry, Fisheries and the Environment issued a notice withdrawing the regulations ‘until they have been tabled in Parliament’. This is noting that sub-section 47(2) of the 1998 National Environmental Management [Act](#) allows the Minister 30 days from the promulgation and publication of regulations under the Act to table them in each House and/or the provincial legislature concerned. Should Parliament and/or the relevant provincial legislature not be in session, more time is allowed. There appears to be no deadline by which these institutions are required to consider and report on the regulations. Neither is it clear why the mercury management regulations were not temporarily suspended pending the completion of this process.

We will keep members informed of developments herein.

RENEW PRACTICE NUMBER & PAY ANNUAL FEE (PCNS)

Members are advised to review their annual and payment for their PCNS with BHF. Members may access their website at <https://www.pcns.co.za/>. Members may access their account status by Click on Menu Item - Payment Type in Practice Number – Click Check Balance and make payment.

We copy 2025 Pricing Table extracted from their website below:

2025 PRICING TABLE

HEALTH SERVICES APPLICATIONS	NON-REFUNDABLE APPLICATION FEES	ANNUAL RENEWAL FEE	NON-REFUNDABLE CHANGE OF PRACTICE TYPE	NON-REFUNDABLE CHANGE OF OWNERSHIP	NON-REFUNDABLE REINSTATEMENT
PUBLIC FACILITY PROVINCIAL AMBULANCES PUBLIC FACILITIES	R 215.00	R 203.00	R 215.00	N/A	R 215.00
SOLUS PRACTICE AHPCSA PROFESSIONALS HPCSA PROFESSIONALS PCDT PHARMACISTS SANC REGISTERED NURSES ONLY SOCIAL WORKERS	R 802.00	R 418.00	R 824.00 <i>Plus, any outstanding balances on existing PCN</i>	N/A	R 758.00
HEALTH ESTABLISHMENTS AND DEVICES DENTAL LABORATORIES DEVICE SUPPLIERS DRUG AND ALCOHOL REHAB CENTRES HOSPICES MENTAL HEALTH INSTITUTIONS PHARMACIES	R 859.00	R 418.00	N/A	R 883.00 <i>Plus, any outstanding balances on existing PCN</i>	R 796.00
PARTNER PARTNERSHIPS INCORPORATED (one professional only) INCORPORATED PARTNER/S (two or more partners) OPTOMETRIST BRANCHES	R 998.00	R 418.00	N/A	N/A	R 796.00
INSPECTED FACILITIES DAY CLINIC PHYSICAL REHAB CENTRE PRIVATE HOSPITALS SUB-ACUTE FACILITIES	R 27 296.00	R 418.00	R 28 508.00 <i>Plus, any outstanding balances on existing PCN</i>	R 28 508.00 <i>Plus, any outstanding balances on existing PCN</i>	*R 796.00 <i>Plus, any outstanding balances. Subject to re-inspection if suspended for more than 1 year. Fee payable R25 870.00</i>
INSPECTED EMS AMBULANCE SERVICES	R 21 611.00	R 418.00	R 25 678.00 <i>Plus, any outstanding balances on existing PCN</i>	R 25 678.00 <i>Plus, any outstanding balances on existing PCN</i>	*R 796.00 <i>Plus, any outstanding balances. Subject to re-inspection if suspended for more than 1 year. Fee payable R21 876.00</i>

* Subject to reinspection if suspended for more than 1 year.

To view your balance or make a payment please visit our website at: <https://www.pcns.co.za/Payment/CheckBalance>

Alternatively, you can make payment onto the following banking details:

Other bank transfers:

Bank: NEDBANK, Branch: Rosebank, Branch Code: 197705, Account Number: 1958 5185 30

NB: Please always use the last 7 digits of your practice number as reference for renewals or Surname and Council number for new applications.

NEDBANK account holders only, we are a Bank Approved Beneficiary with Nedbank so in order to pay please add us as a beneficiary first by selecting:

- PCNS Renewals for existing practice numbers (your 7-digit practice number is required as reference) or
- PCNS New Applications for new registrations (submit your application first and once you have received your reference number you can then make payment using the reference number as your reference). Please be advised that the PCNS Application Fee is non-refundable.

FNB clients, we are a public registered business as PCNS, and you can use your online banking and or banking app to pay for your practice renewal.

Please be advised that if you have an existing practice number and are applying for a **change of discipline or change of ownership** that you are liable to ensure that both practice numbers are paid for. Failure to pay for the existing practice number and the correct application fee for your change of discipline or change of ownership may delay the issuing of your new practice number.

FREE ZOOM WEBINAR INVITATION - KnowledgeHub NDOH

You are invited to register for a Zoom webinar!

When: Mar 5, 2025 10:00 Johannesburg

Topic: PATIENT SAFETY in Emergency Medical Services

Register in advance for this webinar:

https://zoom.us/webinar/register/WN_8tEcHS2zSHS8PNWqBLXP7g

After registering, you will receive a confirmation email containing information about joining the webinar.

LEGAL

RETENTION OF DENTAL RECORDS

Q1. Is there any law that prescribes the time that dentists need to keep their patient's clinical records in South Africa?

No legislation presently prescribes the length of time that dentists must keep their clinical records, there are, however, ethical guidelines published by the Health Professions Council of South Africa (HPCSA)[1] that provide for retention periods.

Q2. Who owns the dental records?

Where records are created as part of the functioning of a private practice, including the original radiographs or ultrasound or scanned images, the dentist is the legal owner of such

records and they remain solely the property of the dentist.

Patients do not have the right to possess or request their original record, but they may request access to, or have a copy of, their dental records for various reasons.

The HPCSA has in the past ruled that where the patient has paid for x-rays or images, they are entitled to request and obtain originals and the practitioner must keep copies in the patient file.

In case of death:

In the case of a deceased practitioner, the executor of his or her estate will administer dental records as well. Should the practice be taken over by another practitioner, the executor shall pass the records to the new practitioner. The new practitioner is obliged to inform all patients in writing regarding the change of ownership, and the patient can remain with the new practitioner or request that the patient's records be transferred to a practitioner of the patient's choice. Should the practice not be taken over, the executor should inform all the patients in writing and transfer those records to other practitioners designated by the individual patients. The remaining files shall be kept in safe-keeping by the executor for at least 12 months with full authority to further deal with the files as deemed appropriate, provided the provisions of the rules on professional confidentiality are observed.

Q3. How long must dentists keep dental records?

Patient health records should ideally be stored indefinitely, if this is not practical the following retention periods are suggested by the HPCSA ethical rules:

Patients - Stored for at least a minimum of six (6) years as from the date that a patient health record has become dormant (dormancy commences at the time when a patient was last treated by a healthcare practitioner).

Exceptions to the above rule:

- **Minor patients** -Until their 21st birthday as legally minors have up to three years after they reach the age of 18 years to bring a claim.
- **Mentally impaired patients** -until the patient's death.
- **Occupational illness or accident** -20 years after treatment has ended.
- **Provincial hospitals and clinics** -Records to be destroyed with authorisation of the Deputy Director-General
- **Patients exposed to conditions that manifest in a slowly developing disease** -At least 25 years.
- **Professional indemnity provider** - Recommended retention period of a minimum of 11 years for adults.

A balance must be reached between the costs of (indefinite) retention of records and the occasional case where the practitioner's defense of a case of negligence is hampered by the absence of records.

Retention of electronic records

Storage of electronic clinical records must include the following protective measures:

- All electronic clinical records, including those stored on external hard drives, must be encrypted and protected by passwords in order to prevent unauthorised persons from gaining access to such information.
- Copies of backup hard drives must be kept and stored in a physically different site so that the two discs can be compared in case of any suspicion with tampering.

- Effective safeguards against unauthorised use or retransmission of confidential patient information is to be assured before such information is entered on the computer. The right to patient privacy, security, and confidentiality should be protected at all times. All staff should not have access to all electronic records, access must be granted on the basis of their responsibilities.

The cost and space implications of keeping records indefinitely must be balanced against the possibility that records will be found useful in the defence of litigation or for academic or research purposes.

You must also remember a person normally has three years to initiate a claim after the relevant incident took place in terms of the Prescription Act (Act 68 of 1969).

The prescription period is delayed in some cases like in the case of minors under the age of 18 years, dental records should be kept until the minor's 21st birthday. It is important to remember that prescription may even run from when the patient has knowledge of the facts giving rise to a claim.

Therefore, not only the treatment date is crucial but also the date on which the patient has knowledge (or should, by the exercise of reasonable care have had knowledge) that harm was caused by the treatment.

Q4. How long should study models be kept?

Diagnostic or study models are considered part of the patient's record and must be kept for the same retention period prescribed by the ethical guidelines. Working models do not have to be retained for any specific period of time. A decision to keep working models should be based on the complexity of the case and is left to the judgement of the individual practitioner.

Q5. Are patients entitled to copies of their dental records?

Patients are entitled to copies of any or all of their dental records. If a patient and/or authorized representative requests a copy of the patient's complete file this information must be provided. The request for dental records does not have to originate from another dental office, and dentists can provide copies of dental records to their patients directly if requested. The requests made by patients and the release of dental records should be documented in the patients' records.

Q6. How long must records be kept when the practitioner is retiring or ceasing to practice due to ill health?

Practitioners closing their practice for whatever reason (retirement, ill health, change in profession) shall within three months of closure inform all their patients in writing that date when it will close, records will be transferred to the practitioner of the patient's choice and others be kept in safekeeping for at least twelve (12) months. Although this period is mentioned in ethical guidelines, indemnity providers and insurers may require practitioners to keep it for longer in the event a complaint or claim is made.

Q7. What happens when records are sold as part of the practice sale?

Patients are to be notified about the sale of the practice and transfer of their records to the buyer practitioner. They can access copies of their records from the new owner or object to the record transfer. Ideally, the buyer dentist will inform patients about acquisition of their records.

Q8. Can I withhold the release of dental records because a patient did not settle his/her account?

No. It is unacceptable to withhold the transfer of records because of an outstanding account balance. This is a separate business issue that can be addressed according to the office's collection policies and protocols. The ethical rules and the provisions of Promotion of Access to Information Act, 2000 must be followed, regardless of a financial dispute between a patient and a dentist.

Q9. Are patients entitled to copies of their dental records?

Patients are entitled to copies of any or all of their dental records. If a patient and/or authorised representative requests a copy of the patient's complete file this information must be provided. The request for dental records does not have to originate from another dental office, and dentists can provide copies of dental records to their patients directly if requested. The requests made by patients and the release of dental records should be documented in the patients' records.

[1] Guidelines on the keeping of patient health records Booklet 9, September 2022

**NOTICE OF ANNUAL FEES PAYABLE TO
THE HEALTH PROFESSIONS COUNCIL OF SA (HPCSA)**

The HPCSA has published in the gazette, annual fees due and payable before 1 April 2025 as follows:

- DP Dentist: R3242.00
- DP Dentist (Specialist): R3286.00
- TT Dental Therapist: R2435.00
- OH Oral Hygienist: R 2435.00
- DA Dental Assistant: R1021.00
- SDA Dental Assistant Supplementary: R1021.00

To download Government Gazette 24 January 2025 Board Notice 710 of 2024

[click here](#)

MEDICAL AND DENTAL PROFESSIONS BOARD CALL FOR COMMENT

Kindly receive the attached request from the Medical and Dental Professions Board to submit comments on the Ethical Guidelines on the use of Artificial Intelligence. We would appreciate your input particularly from practitioners who are utilising AI for diagnostic purposes.

[Click here to access documentation.](#)

Booklet 20_Ethical Guidelines on the use of Artificial Intelligence _ v3 September 2024.pdf
Correspondence to Professional Associations and Societies 11022025 (1).pdf

Kindly let us have your input and comments by **7 March 2025** via email to secretary@sada.co.za to finalise in time by submission date.

Yours in oral health

Dr Tinesha Parbhoo - Head Clinical Support Services

Punkaj Govan - Head Legal and Corporate

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