




The South African Medico-Legal Association

NAME OF POLICY	REGISTRATION AS MEDICO-LEGAL PRACTITIONER
DATE APPROVED	5 December 2020. This policy was approved on 31 August 2019 by the Board of SAMLA and was included in the MOI of 17 December 2019. The policy was described in 11.3 of that MOI and is unchanged here except for the numbering. At the AGM of 5 December 2020, the AGM approved an amended MOI which removed this policy from within the body of MOI, to be a stand alone document.
SIGNED BY CHAIRPERSON OF BOARD	
DATE	5 Dec 2020

SAMLA REGISTERED MEDICO-LEGAL PRACTITIONERS

1. SAMLA provides the Register of Medico-Legal Practitioners as a service to the public, including state health authorities, professional indemnity insurers, the RAF and others who require the professional services of Medico-Legal Practitioners.
2. The Registered Medico-Legal Practitioners include Healthcare-, Legal- and Aligned Professional Practitioners, who are committed to contributing their professional services to furthering the cause of justice by ethical investigation and resolution of medical disputes, particularly personal injury- and clinical negligence disputes.
3. This service is provided for the following reasons:
 - 3.1 Legal practitioners, healthcare practitioners and others have traditionally conducted professional practice in the medico-legal field, without any formal recognition, code of conduct or accountability, apart from those specified by their primary professional bodies. It has become clear that the codes of conduct of the various professional bodies do not make adequate provision for important elements of medico-legal practice. Whereas many professionals have conducted themselves admirably, by practising in accordance with high ethical standards and constitutional values, many others have abused the vacuum to pursue their own interests at the expense of clients, the State and the judicial process. These abuses, inter alia, have led to the well-known and very serious “medico-legal crisis” in South Africa.



3.2 In 2019, is an important step in addressing the “medico-legal crisis”, the Board of SAMLA took a policy decision to pursue the formalisation of the medico-legal profession in South Africa. To this end, in addition to the work of the SAMLA Faculty in providing medico-legal training and education nationally, necessary definitions have been written into the MOI, a code of conduct has been formulated and approved by the Board, and an application to SAQA has been launched for professional body recognition and Professional designation registration. Furthermore, acting as convener for 17 stakeholder organisations in the medico-legal field, SAMLA has compiled and presented submissions on the medico-legal crisis to the State President and 5 key cabinet ministers. The magnitude and details of the crisis, as well as constructive recommendations, included in the submissions, which are open to the public on the SAMLA website.

4 Registration with SAMLA as a medico-legal practitioner:

4.1 Professional designation policy. The requirements for registration as a SAMLA registered Medico-legal practitioner will include:

- 4.1.1** professional in good standing with his own professional body (e.g. LPC or HPCSA);
- 4.1.2** a SAMLA member in good standing;
- 4.1.3** a pledge to practice according to the SAMLA code of conduct;
- 4.1.4** and proof of reasonable knowledge of the field by having passed the SAMLA/UCT foundations course in medico-legal practice, except that
- 4.1.5** this last requirement may be waived for applicants who qualify under the SAMLA RPL policy.

4.2 Recognition of prior learning policy. A SAMLA credentials panel will be appointed by the board applicants who believe that they do not need the SAMLA foundations course in medico-legal practice will need to satisfy the credentials panel by process of peer review, that they may have sufficient experience and that they practice to an acceptable standard.

4.2.1 At minimum this will require:

- 4.2.1.1** 5 years experience in Medico-Legal Practice
- 4.2.1.2** 2 references, one each from a reputable medico-legal lawyer and a reputable medico-legal expert. (Reputable medico-legal lawyers and experts will be determined by the panel in case of any uncertainty).

4.2.2 The credentials panel may call for further proof of competence, for example by way of:

- 4.2.2.1** provision of a written opinion on a set of facts.
- 4.2.2.2** demonstration of the number of cases he or she has successfully managed.
- 4.2.2.3** a portfolio of reports, judgements, etc. In which he or she featured.
- 4.2.2.4** a live interview.



- 4.3 CPD policy.** To remain on the register, registered Medico-Legal Practitioners need to earn 60 medico-legal CPD points per 24 months cycle i.e. 15 points per annum with the facility to roll over between one year and the next. One CPD point will be awarded for each hour of recognised medico-legal training. The 5 ethics points per annum awarded to any practitioner by the HPCSA will be recognised by SAMLA as 5 of the 15 points required per annum by SAMLA i.e. 10 of the 30 points required per 24 months cycle may be earned in HPCSA recognised ethical CPD activities. Presenters to be awarded an extra 1 point per hour.
- 4.4 Foreign qualifications policy.** SAMLA does not recognise any foreign qualifications in Medico-Legal Practice. The primary requirement for designated Medico-Legal Practitioners is to be in good standing with the practitioner's primary Professional Body (e.g. LPC or HPCSA). Foreign qualifications in a primary profession, such as law medicine, need to be recognised by the appropriate Professional Body such as LPC or HPCSA. Any applicant with the relevant foreign qualifications that is recognised by the appropriate South African Professional Body, and who is in good standing with such South African Professional Body, will be accepted by SAMLA in the same way as an applicant with the South African qualification in law, medicine or other appropriate profession. In order to qualify for registration as a SAMLA registered Medico-Legal Practitioner, such applicants will need to satisfy the remainder of requirements in the same way as applicants with a South African qualification.
- 4.5 Disciplinary policy.** The SAMLA Board will constitute a 2-member disciplinary panel, to hear, investigate and evaluate complaints of unprofessional conduct or unethical conduct against any member. If the member is found to transgress the SAMLA code of conduct, the sanction will be to suspend or remove the name of the member from the Register of Medico-Legal Practitioners. Depending on the circumstances, the disciplinary committee will consider constructive rehabilitation procedures, with the intention of the transgressor again becoming eligible for registration. Depending on the circumstances the Disciplinary Committee will also determine whether or not it is necessary to lodge a complaint with the practitioner's Primary Professional Body, for example LPC or HPCSA. Members who have been disciplined by their Primary Professional Body, and who are as a result no longer in good standing with such Primary Professional Body, will automatically be disqualified from the Register of Medico-Legal Practitioners. If the Disciplinary Committee finds that a member has behaved in a manner that is harmful to SAMLA, the Committee may terminate the transgressor's membership of SAMLA.



4.6 Appeals policy. In case of an appeal against any determination by the SAMLA disciplinary panel, SAMLA Exco will appoint a three-member Appeals Tribunal. Any disciplinary finding of the SAMLA Appeals Tribunal will be final and binding.