



# South African Orthopaedic Association

Association Not For Gain | Reg. No. 05/00136/08

## **THE CONSTITUTION AND RULES OF THE SOUTH AFRICAN ORTHOPAEDIC ASSOCIATION 2020**

### **1. NAME**

The Association is a Specialist Group within the South African Medical Association (SAMA), an Association incorporated under Section 21 of the Companies Act, 1973, Registration No. 05/00136/08, and its name shall be the "**SOUTH AFRICAN ORTHOPAEDIC ASSOCIATION.**"

(a) The Association shall render its services and collect contributions within the Republic of South Africa.

### **2. OBJECTS**

The objects of the Association shall be:

- (i) The advancement of the science and art of Orthopaedic Surgery.
- (ii) The protection of the interests of its members.

### **3. MEMBERSHIP**

Membership in all categories, having been duly proposed and seconded in writing by any two (2) Full Members of the Association, is conferred by a two thirds majority of the Executive Committee; and in accordance with the peer mentoring policy and procedure of the SAOA.

#### *(a) Full Membership*

Membership may be granted to any person who is registered within the Republic of South Africa by the Health Professional Council of South Africa as a specialist in the field of orthopaedic surgery. Full-time State Consultants are eligible for a 50% reduction in membership fees, inclusive of registry fees, provided that they earn no income outside of their State salary and that they submit a letter from their Head of Department to this effect.

#### *(b) Affiliate Membership*

Affiliate membership may be granted to Medical Practitioners resident outside the Republic of South Africa provided that the nature of their practice is such as to give them a special interest in the subject of orthopaedic surgery.

An Affiliate member shall have full rights of membership but shall not be eligible to vote at meetings of the Association.

#### *(c) Associate Membership*

Associate membership may be granted to medical practitioners within the Republic of South Africa who are not orthopaedic surgeons provided the nature of their practice is such as to give them a special interest in the subject of orthopaedic surgery.

Associate members who qualify as orthopaedic surgeons shall automatically become Full



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members of the Association from the date of registration as a specialist with the Health Professions Council of South Africa. It is incumbent on Associate members to inform the Association of their registration as an orthopaedic surgeon. If, however they are still in a registrar or Fellowship post, registration as a Full Member may be delayed until such time that they are in a Consultant post or Private Practice.

Provided that Supernumerary registrars have a supporting letter from their Head of Department, they will not be required to pay annual subscriptions while in training and will still have the benefits of Associate Membership. Once they qualify, they can apply for Affiliate Membership.

An Associate member shall have full rights of membership but shall not be eligible to vote at meetings of the association.

#### *(d) Honorary Membership*

Honorary membership may be conferred on persons eminent in Science of the Humanities, provided, in the opinion of the Executive Committee, they have made valuable contributions to the advancement of Medical Science. Honorary members shall have such privileges as may be conferred on them by the Executive Committee but shall not be eligible to vote at meetings of the association.

#### *(e) Life Membership*

Life membership may be conferred on persons who have rendered distinguished services to the Association, and who are Members of the Association. Life members shall retain all the rights and privileges of membership but shall not be liable for payment of any subscriptions whatsoever.

#### *(f) Emeritus Membership*

Emeritus membership may be conferred on Full and Affiliate members who are considered by the Executive Committee to have retired from active practice or attained the age of seventy (70) whether or not they continue to hold salaried posts or are engaged in private practice or at the discretion of the Executive Committee. Members from other categories of membership may receive similar consideration at the discretion of the Executive Committee upon request in writing by the member. Candidates for Emeritus membership shall be elected by at least a two-thirds majority of the Executive Committee. Emeritus members shall retain all the rights and privileges of membership but shall not be liable for payment of any subscriptions whatsoever.

#### *(g) Extraordinary Membership*

Extraordinary membership may be granted to scientists whom are not medical practitioners provided their work gives them a special interest in the subject of orthopaedic surgery. Extraordinary Emeritus membership of the Association may be considered from time to time



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at the discretion of the Executive Committee. Extraordinary members shall retain all the rights and privileges of membership of the association but shall not be eligible to vote at meetings.

## 4. GRANTS AND AWARDS

To qualify for a prize, award, fellowship or travel grant from the South African Orthopaedic Association, the applicant must have been a member of any category of the South African Orthopaedic Association for at least one calendar year, (three hundred and sixty five days) directly preceding the application. If not, the applicant would not qualify.

An extraordinary grant may be given to an applicant but must be decided by the Executive Committee of the South African Orthopaedic Association with a two-third majority.

## 5. TERMINATION OF MEMBERSHIP

Every member shall remain a member of the association unless membership is terminated by either:

(a) His/her resignation in writing, addressed to the Secretary;

(b) By a majority decision of the Executive Committee. A member shall have the right to make written application to the Secretary, within fourteen (14) days of receiving notification of such a decision, to appeal the decision to the next meeting of the members of the Association. During the period of between the decision of the Executive Committee and the meeting of the members of the Association the member shall lose all the rights and privileges of membership of the Association.

## 6. SUSPENSION OF MEMBERSHIP

Any member may have their membership suspended if their subscription becomes six (6) months overdue but may be reinstated on payment of arrear subscriptions and/or by the Executive Committee of the South African Orthopaedic Association with a two-third majority. Such suspension and/or reinstatement shall be at the discretion of the Executive Committee of the South African Orthopaedic Association. During the period of suspension, the member shall lose all the rights and privileges of membership of the Association.

## 7A. SUBSCRIPTIONS

The money value of the annual subscriptions shall be proposed by the Honorary Treasurer at least four (4) weeks prior to the AGM and put to the vote at the Executive Committee. It shall also be acceptable for the amount of such subscriptions to be changed by at least a two-thirds majority vote at any meeting of the Executive Committee.

The first subscription of a member shall be due on election and subsequent subscriptions shall become due on the 1<sup>st</sup> January of each year. Interest can be charged to a maximum of 4% above prime interest rate and may be levied on all payments received after 31<sup>st</sup> March. A discount for early payment of subscriptions may be offered at the discretion of the executive committee.



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The association may impose a special levy on its members to provide funds, the amount of which shall be determined by at least a two-thirds majority vote taken at a meeting of the Executive Committee.

## **7B. FUNDRAISING**

The Association shall be competent to engage in fundraising provided that:

- (a) Authority in terms of the Fundraising Act, 1978, has been granted by the Director: Fundraising;
- (b) Exemption from the payment of income tax has been granted by the Commissioner: SA Revenue Service in terms of the Income Tax Act, 1962;
- (c) The following stipulations applicable to tax-exempted bodies are strictly observed:
  - (i) No profits or gains shall be paid to any person;
  - (ii) All funds shall be utilized exclusively for the advancement of the aims and objectives for which the Association was established, and for investment;
  - (iii) The activities of the Association shall be confined to the advancement of its aims and objectives;
  - (iv) The Association shall not engage in any business activities or any other activities directed at the generation of profit, or participate in any business, professional, or occupational activities conducted or pursued by any of its members, or provide any of its members with any financial assistance, premises, continuing services of facilities required by such member for the conduct or pursuance of his business, profession, or occupation;
  - (v) Funds available for investment shall be invested exclusively with registered financial institutions as defined in Article 1 of the Financial Institutions (Investment of Funds) Act, 1984, and in shares listed on a licensed stock exchange as defined in the Stock Exchange Control Act, 1985;
  - (vi) The stipulations embodied in Clause 16 of the Constitution of the Association shall be strictly observed upon the dissolution of the Association.
- (d) All decisions of the Executive Committee concerning disbursements and investments shall be immediately and properly minuted in full detail;
- (e) Dedicated books of account shall be maintained in accordance with accepted accounting procedures;
- (f) All books of account and annual financial statements shall be inspected and certified by a chartered accountant annually;
- (g) Clause 15 of the Constitution of the Association shall be strictly observed: and
- (h) No member of the Committee shall have a direct or indirect interest in or benefit from any contracts which the Committee may conclude with any company.

Should the services of a fund-raiser be made use of for the collection of contributions, the expenses (remuneration and/or commission included) may not exceed 40% of the total turnover of the collection. Paid officials of the Association may serve on a fundraising committee in an advisory capacity but will have no voting rights.



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No competition, contest, game, scheme, arrangement or system in connection with which any prize may be won, shall be conducted or caused to be conducted by the Association unless an authority in terms of any other Act has been obtained beforehand.

All property shall be registered in the name of the South African Orthopaedic Association.

The financial year of the Association will end on 31 May of each year. (If this financial year schedule does not suit the Association, a motivation to this effect must be submitted).

The income and property of the Association shall be used for the promotion of the objects of the Association. No portion thereof shall be paid or transferred to past or present members of the Association, provided that nothing shall prevent the payment of remuneration to any officers or servants of the Association or to any member of the Association or other person in return for any services actually rendered to the Association.

At all meetings of the Executive Committee a quorum shall consist of half of the members of the committee plus one of the members.

## 8. ANNUAL GENERAL MEETING

- (a) The annual general meeting of the association shall be held at such time (being not less than nine (9) months and not more than fifteen (15) months, after the holding of the preceding meeting) and place as may be fixed by the Executive Committee.
- (b) The President of the association shall preside as chairman at the opening of every meeting of the association. In the absence of the president, a chairman shall be appointed by the members of the association present at the meeting.
- (c) No business shall be transacted at any meeting of the association unless there be present a quorum of not less than 10% of the voting members. If within one (1) hour from the time appointed for the meeting, such quorum be not present, the Meeting shall stand adjourned to the following day at the same time and place, and if at such adjourned meeting a quorum be not present, those present shall be deemed to be a quorum.
- (d) Voting at meetings shall follow the form prescribed in the By-Laws of the South African Medical Association.

## 9. SPECIAL GENERAL MEETINGS

- (a) Meetings of the Association may be held from time to time and shall be called by the Executive Committee either on its own initiative or on the written request of at least six (6) members of the Association.
- (b) At least fourteen (14) days written notice of the holding of a meeting shall be given to all members of the Association and such notice shall specify the object for which the Meeting is being called.



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- (c) No business shall be transacted at any Meeting unless there be present a quorum of not less than twelve (12) members. If, within one (1) hour from the time appointed for the meeting, such quorum be not present the meeting shall be dissolved.
- (d) Voting at meetings shall follow the form prescribed in the By-Laws of the South African Medical Association.

## **10. COMPOSITION, METHOD OF ELECTION AND TERM OF OFFICE OF THE EXECUTIVE COMMITTEE**

- (a) The committee shall consist of the President, the immediate Past-President, the First and Second Vice President and nine (9) elected members.
- (b) The President shall hold office for one (1) year. Any president elected from 2009, who serves a one-year term as president, may be re-elected for another one year term but no member may be president for a term exceeding two years. Should the office of the President fall vacant for any reason during his term of office it shall be filled in the following manner:
  - (i) By the immediate Past-President if it occurs during the first six months of office, until such time as a by election can be conducted in such a manner as may be directed by the Executive Committee.
  - (ii) By the first Vice President if the vacancy occurs during the second six months of office.
- (c) The immediate Past-President shall serve on the Committee for one (1) year after his term of office. Should a vacancy arise in the office of the Past-President a member elected by the Executive Committee may fill this post.
- (d) The President-Elect shall be elected by annual ballot. Nominees for the office of President-Elect shall be drawn from members who have served on the Executive Committee for at least two (2) years. If no candidate fulfills this requirement then any other member may be nominated. The President-Elect shall serve on the Executive Committee for two (2) more years before assuming the office of President. The President-Elect shall be known in the first of these two years as the Second Vice-President and as the First Vice-President in the second year.
- (e) Each of the six (6) Branches of the Association shall be represented on the Executive Committee by one (1) member. The remaining three (3) elected members shall be elected by national ballot.
- (f) Of the nine (9) elected members, three (3) shall retire annually in rotation but shall be eligible for re-election.
- (g) A vacancy occurring among the nine elected members by virtue of election to the office of president or vice-president or for any other reason shall be filled:
  - (i) If it is in respect of a member representing a branch, by the branch nominating a successor;
  - (ii) If it is in respect of a balloted member this post will be filled by election of a successor by the Executive Committee or by a special election conducted amongst members of the Association in such a manner as may be directed by the Executive Committee.
- (h) The President of the SAOA or one of the Vice Presidents shall be the electoral officer and shall advise branches of vacancies on the Executive Committee. The names of the representatives elected by the branches are to be presented to the Electoral Officer six (6) weeks before the next Meeting of the Executive Committee. Thereafter the CEO of the association shall notify all members of the already elected list and indicate the number of residual vacancies. The CEO of the association will call for nominations duly proposed, seconded and accepted by candidates, and these are to be presented to the Electoral Officer six (6) weeks before the meeting of the Executive Committee. Votes shall be called for four (4) weeks before the meeting of the Executive Committee. All voting at a national level shall be by electronic secret ballot.
  - (i) At its first meeting after election the Executive Committee shall elect the President of the SAOA as the Chairman of the Executive Committee. The President shall assign offices and duties within the Executive Committee as he sees fit.



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- (j) The following are recognized Branches of the Association:
  - (1) Gauteng North & Limpopo
  - (2) Gauteng South & Mpumalanga
  - (3) Free State, North West & Northern Cape
  - (4) Kwa-Zulu Natal
  - (5) Eastern Cape
  - (6) Western Cape
- (k) As and when further Branches are authorized in terms of Clause 10B (a) the Executive Committee, membership shall be accordingly adjusted.
- (l) Voting of elected members to the executive committee shall be by secret ballot. The candidate with the most votes shall be the winner. In case of a deadlock, the President will have the casting vote.

## **11. ORGANISATION AND CONTROL**

### **A. National Control:**

- (a) The policy of the Association shall be determined by its members.
- (b) Any amendment to the policy shall require a two-thirds majority of those members voting at a meeting of the Association.
- (c) The general control of the affairs of the Association (within the policy as determined by its members) shall be vested in the Executive Committee.
- (d) In exercising control over the affairs of the Association, the Executive Committee shall at all times abide by the "Rules for Specialist Groups within the South African Medical Association "as prescribed by the National Council of the Medical Association.
- (e) Any member of the Executive Committee who, for good reasons, finds himself unable to attend any meeting of the Committee shall have the right to nominate an alternate to represent him at such meeting.
- (f) In addition to any powers specified elsewhere in the Constitution, the Executive Committee shall also have the power –
  - (i) To co-opt additional members as required;
  - (ii) To appoint and dissolve sub-committees as required.

### **B. Local Control**

- (a) It shall be competent for the Executive Committee to authorize the formation of Branches of the Association.
- (b) Each Branch shall have a minimum membership of twenty (20).
- (c) Each Branch may, at the discretion of the Committee, be allowed powers of independent action in local matters provided such action is not in conflict with and is governed by the Rules of the Association.



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- (d) Each Branch shall submit a report on local action to the Secretary of the Association at least four (4) weeks before the Meeting of the South African Orthopaedic Association.
- (e) Each Branch shall be controlled by an Executive Committee consisting of a Chairman, a Secretary/Treasurer and other members elected by the members of that Branch.

## **C. Special Interest Groups:**

- (a) It shall be competent for the Committee to authorize the formation of Special Interest Groups within the Association.
- (b) Each Special Interest Group shall remain under the auspices and within the jurisdiction of the Association.
- (c) Each Special Interest Group may hold at least one meeting per year at the time of the Annual Congress of the Association. Additional meetings can be held throughout the year but should not clash with other meetings or courses organized by the Association.
- (d) A Special Interest Group may be authorized by the Committee only after the Committee has approved the constitution.
- (e) A Special Interest Group shall not be entitled to individual representation on the Committee.
- (f) Each Special Interest Group shall submit a financial statement and a report of its activities to the Secretary of the Association before the annual general meeting of the Association.

## **12. DUTIES OF THE SECRETARIAT**

The Secretariat of the Association shall keep records of all meetings of the Association and of its Committee and shall conduct all correspondence in connection with the affairs of the Association. He/she shall also submit an Annual Report to the Meeting of the Association and shall forward a copy of this report, a complete list of all members of the Association and a copy of the Annual Financial Statement, prepared by the Treasurer, to the Secretary of the Medical Association not more than thirty (30) days after each Meeting.

## **13. DUTIES OF THE TREASURER**

The Honorary Treasurer shall receive all monies due to the Association and shall make all disbursements authorized by the Executive Committee. He shall also submit an Annual Financial Statement of the Meeting of the Association.

## **14. DUTIES OF THE MEMBERSHIP SECRETARY**

The Membership Secretary shall keep records of all categories of membership of the Association. He/she shall be responsible for compiling an annual list of members and for keeping its information up to date. He shall submit the list of members to the Meeting of the Association. In all matters pertaining to membership, he shall maintain close liaison with the Secretary and Treasurer of the association.





## 15. AMENDMENTS TO THE CONSTITUTION

Any proposed amendments to this Constitution shall –

- (a) Be effected only if passed by two-thirds of those voting at a General Meeting of the Association; and
- (b) Comply with the rules and regulations:
  - (i) The SAMA National Council;
  - (ii) The Commissioner: SA Revenue Service;
  - (iii) The Director: Fundraising; and
  - (iv) The Companies Act
- (c) Proposed changes to the Constitution shall be communicated to the Members of the Association at least three weeks prior to the Annual General Meeting.

## 16. DISSOLUTION

Upon the winding-up, deregistration, dissolution, or liquidation of the Association, if there remains, after settlement of its debts and liabilities, any property whatsoever, such property shall not be paid to or distributed among the members of the Association, but shall be given or transferred to another institution or institutions having objects similar to the objects of the Association and which shall prohibit the distribution of its or their income and property among its or their members. The members attending the final General Meeting of the Association or the Executive Committee shall designate such institution or institutions.

## 17. COPYRIGHT OF MATERIAL PRESENTED AT MEETINGS

Any written article, abstract or oral presentation, submitted to the association for any purpose remains the property of the association and may be distributed to members of the association. The distribution of such material shall not be done in any way that could be construed as plagiarism or not acknowledge the original author of the work.

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**The updates were tabled and accepted at the Annual General Meeting held on the 21<sup>st</sup> November 2020 in Cape Town.**

**SIGNED AND APPROVED BY: Dr B Bernstein - SAOA President**

**DATE: 30<sup>th</sup> November 2020**



## **Schedule to the Constitution of the SAOA: SAOA POLICY AND OPERATING PROCEDURE PEER REVIEW**

### **1. Introduction**

The SA Orthopaedic Association hereby adopts a Peer Review Policy and Procedures and establishes a Peer Review Committee in order to provide a mechanism for ensuring the practice of orthopaedic surgery at a high level of professionalism conforming to universally accepted standards of good clinical practice and ethics. Whilst the peer review process will be applied to the broad practice of Orthopaedics it will be managed and overseen by the SAOA Exco.

### **2. Objective of peer review**

The objective of the committee is to assess and to respond to complaints arising out of an act of commission / omission of a practitioner/s including but not limited to:

- 2.1. Complaints relating to possible unprofessional or unethical behaviour;
- 2.2. Failure to provide standard of care;
- 2.3. Complaints, reviews (systemic, periodic or once-off) relating to clinical practice, which may in some instances pertain to agreements between medical schemes and/or administrators and the Association, to review aspects of clinical practice;
- 2.4. Review of treatment plans or aspects of treatment for which motivations have been submitted to a medical scheme or other funder (such as Road Accident Fund (RAF) or Compensation Fund (CF));
- 2.5. Disputes or queries relating to the evidence-based nature of treatment provided or to be provided;
- 2.6. Coding queries by medical schemes, patients, hospitals, RAF, CF, members and/or other professionals;
- 2.7. Guidance and/or support to be provided to professionals who have to be supported in ensuring good clinical and/or ethical practice;
- 2.8. Any other matter reasonably related to- or requiring peer review or the implementation of its outcomes.

### **3. Peer Review Panel processes**

#### **3.1 Nomination process**

3.1.1 The task of the Panel is to provide an independent and unbiased opinion based on ethical and the principles of good clinical practice on all issues brought to its attention.

3.1.2 Nominations for the Peer Review Panel must be forwarded to the Office of the SAOA and be received by no later than 28 January each year.

3.1.3 All nominations will be considered by the SAOA exco and successful candidates will be added to a list of panellists by no later than 28 February each year.

3.1.4 Nominations for the panel must be Orthopaedic surgeons (SAOA members and non-members) or practitioners with appropriate skills and knowledge of the issues in question.

3.1.5 If a nominee on two or more occasions declines to serve on a Peer Review Committee, s/he may be removed from the nominee list after the Executive Committee has considered the reasons for his/her unavailability and his/her willingness to serve as a member of a Peer Review Committee.

3.1.6 Nomination to the Panel must be accompanied by an undertaking by the Panellist to:



- 3.1.6.1 Adhere to this Policy and Procedure;
- 3.1.6.2 Be available to serve, subject to his/her professional schedule, when called upon, on a Peer Review Committee, bearing in mind the requirements of a specific Peer Review Committee to meet at a certain frequency and/or to meet in person or via electronic means;
- 3.1.6.3 To be available and to dedicate his/her time to consider the matter(s) before him/her as a Committee member, to apply his/her mind, to contribute to discussions and considerations of the Peer Review Committee;
- 3.1.6.4 To formulate a view and participate in the Peer Review Committee making a finding, making recommendations or taking specific action in relation to a matter before that Committee;
- 3.1.6.5 Ensure that s/he remains not conflicted, impartial and not biased relating to any matter before a Peer Review Committee that s/he serves on.

## **4 Appointment to Panel**

- 4.1 Panel members will be appointed from the list of nominees that has been reviewed and accepted by SAOA Exco.
- 4.2 Appointment shall be representative of the spectrum of orthopaedic practice and practitioners.
- 4.3 The term of service for panel members will be 2 years.
- 4.4 A Panellist may resign with at least one month's written notice but may not resign whilst serving on a particular Peer Review Committee which has not disposed of its duties.
- 4.5 Vacancies arising from resignation shall be filled by the appointment process as outlined above and in the category only for the remainder of the resigned panellist's term.

## **5 Peer Review Committee**

- 5.1 A peer review committee will be convened by the SAOA President or his/her representative when the need arises for such review.
- 5.2 The President of the Association shall, for each instance where a Peer Review Committee is required, convene between three and seven members from the Panel to serve on the Committee until the specific mandate of the Committee is fulfilled.
- 5.3 The committee may include co-opted member/s with specific expertise not available from the list of panel members, or from other disciplines, where this is deemed necessary.
- 5.4 The composition of the committee shall include administrative support provided by the offices of the SAOA unless this is deemed unnecessary by the committee members.
- 5.5 More than one Peer Review Committee may be in existence at any given point in time.
- 5.6 In convening a Peer Review Committee, the President shall have regard for, amongst others;
  - 5.6.1 The need to rotate panellists, so as to ensure that all appointees have an opportunity to serve on a Peer Review Committee, so that the duties are spread equitably;
  - 5.6.2 The specific matter for which the Peer Review Committee is to be convened, ensuring that panellists with specific interest, experience, expertise and/or skills to deal with the matter;
  - 5.6.3 The expected duration of the matter and the lifespan of the Peer Review Committee;
  - 5.6.4 Whether the Peer Review Committee can dispose of its duties by round robin, on paper, by face to face meetings and/or electronic meetings;
  - 5.6.5 Whether the matter is local, regional and/or of a national nature.
- 5.7 Peer Review Committee shall be entitled to remuneration and may qualify for disbursement and reimbursement of travel and accommodation cost, in line with the Association's policy in relation to travel, accommodation and disbursements.

## **6 Convening a Peer Review Committee**



## 6.1 Procedure

- 6.1.1 A complaint, request or dispute must be lodged on the forms as developed by the Executive committee from time to time and as published on the website of the Association.
- 6.1.2 The complaint will be reviewed by the President or the Peer Review Portfolio manager of Exco, or his/her representative, and if deemed appropriate for action by the peer review committee, the President will be so instructed within seven days of receiving a complaint.
- 6.1.3 The President shall appoint a Peer Review committee at least seven days after receiving a complaint, a request for a review or an opinion or guidance, a request in terms of an agreement entered into by a medical scheme or other contracting party or in the case of a dispute.
- 6.1.4 The Executive committee may also convene a Peer Review Committee, should any matter within the scope of this Policy be so required;
- 6.1.5 The CEO or his/her designate, shall act as the secretariat of each convened Peer Review Committee but may not participate other than in a support and advisory capacity, in any activity of the Peer Review Committee;
- 6.1.6 The President or representative including the CEO or representative appoints a provisional Chairperson to liaise with co-committee members to finalise the time and venue for the meeting;
- 6.1.7 Relevant documents will be forwarded to the peer review committee members who are expected to familiarize themselves of the contents prior to the meeting.

## 7 Committee Operations

Each Peer Review Committee may decide on its own operation, provided that:

- 7.1 All processes align with the principles of administrative justice (i.e. procedural and substance fairness), and, where there is uncertainty as to the meaning and/or application of such principles, to seek professional advice so as to not compromise the Peer Review processes or outcomes;
- 7.2 Where related to a third-party contract, it considers the contractual requirements place on the Association in relation to Peer Review;
- 7.3. The members of a Peer Review Committee shall, from amongst those convened, elect a Chairperson who shall drive the processes of the Committee to its completion;
- 7.4 Any member of a Peer Review Committee who may be conflicted, biased or partial, shall recuse him/herself from such Committee, and immediately inform the chairperson of the Peer Review Committee as well as the President, who shall decide whether or not to replace such recused member;
- 7.5 Any member of a Peer Review Committee may raise perceived or real conflicts, bias or partiality pertaining to another Committee member with the chairperson, who shall, in his/her discretion recommend recusal or continuance of such Peer Review Committee member's membership;
- 7.6 The Committee shall consider all information relevant to a matter before it and may seek expert opinion from its fraternity or from any other person deemed expert and knowledgeable in the matter, in order to assist in the disposal of the matter.
- 7.6 The peer review committee will consider the submitted written presentations and documents for further action;
- 7.7 The Committee may also request the presence of the practitioner in person, either by invitation prior to the meeting or as a consequence of the deliberations of the committee.
- 7.8 The committee chairman shall on conclusion of the deliberations compile a confidential report on the outcomes of matters that served before it to be submitted to the President of the SAOA or his/her designated representative;
- 7.9 All decisions, recommendations, findings or the likes of a Peer Review Committee shall include a summary of all arguments presented, all information considered, all



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- submissions received, and any other relevant factor considered in reaching the conclusion;
- 7.10 All decisions, recommendations, findings and the likes shall be substantiated with reference to previous rulings or orders by Peer Review Committees, the Association's Constitution, its Policies, its clinical or treatment Guidelines, any applicable Code, the HPCSA policies, booklets and/or rules, principles of good clinical practice, clinical or treatment guidelines, and, where required, the applicable law;
  - 7.11 All Peer Review Committee meetings, discussions, correspondences, and the likes shall be confidential and documented, and the CEO or his/her designate shall ensure that such records are duly kept, securely filed and in the end archived, after the lifespan of a Peer Review Committee;
  - 7.12 The chairman shall, with the assistance of the CEO, obtain approval for any costs that are anticipated to exceed what would normally fall within the Association's policy on disbursements, travel, accommodation and procurement and ensure budgetary compliance.

## **8 Orders, Recommendations and Decisions and Actions**

- 8.1 Subject to guidance issued by the Executive Committee from time to time, and subject to any contractual agreement that may require Peer Review outcomes in a particular format or manner, a Peer Review Committee may make any finding, recommendation or decision that it deems to be appropriate, proportional and in the interest of justice, including but not limited to:
  - 8.1.1 Require an apology to be made;
  - 8.1.2 Issue a caution or reprimand, with or without a monitoring or reporting requirement;
  - 8.1.3 Require a transgressor to work under general or specific oversight of another practitioner of organization;
  - 8.1.4 Request a transgressor to refrain from specific conduct, and/or requiring him/her to sign a document to that effect;
  - 8.1.5 Referral of a matter to an appropriate regulatory authority, such as the HPCSA, SAHPRA, CMS, Competition Commission or Consumer Commission, amongst others;
  - 8.1.6 Recommendations to the Association to adopt any applicable policy, guideline or other measure so as to prevent or ameliorate any specific issue;
  - 8.1.7 Recommend dispute resolution, preferably mediation, between disputing parties;
  - 8.1.8 Lodge a complaint against a practitioner with the HPCSA;
  - 8.1.9 Refer a practitioner to any support or assistance program, and, if necessary, make such compliance mandatory for continued membership of the Association;
  - 8.1.10 Any other order that may be just, appropriate and proportional the circumstances;
  - 8.1.11 When deciding on an order that is appropriate, proportional and just, consideration must be had to previous matters involving a specific member, as well as previous orders of Peer Review Committees in similar matters;
- 8.2 Failure of compliance with a sanction imposed on a practitioner by the Peer Review committee will result in a formal complaint and the matter being referred to the HPCSA for further action.

## **9 Appeal**

- 9.1 Any decision taken by Peer review committee and upheld by the SAOA Exco is subject to appeal.
- 9.2 Such appeal should be lodged with the SAOA Exco within 28 days of the ruling being handed down.
- 9.3 Upon receipt thereof the President of the SAOA shall instigate a hearing of the Exco to consider the appeal.



## **10 Confidentiality**

- 10.1 The chairman a Peer Review Committee shall report on the procedure and outcome of the matter that served before it:
- 10.2 Subject to applicable law, and subject to instances where a matter is reported to relevant bodies or regulatory authorities, all matters pertaining to Peer Review processes shall remain confidential.
- 10.3 To the Executive Committee, in a detailed manner, as the Executive Committee exercises oversight over all structures of the Association, provided that the Executive Committee shall be bound by confidentiality relating to all Peer Review matters.
- 10.4 The SAOA Exco may report on matters to the general membership in a general and anonymized fashion, so as to enable orthopaedic p[practitioners to learn from such recommendations, findings or opinions
- 10.5 The SAOA Exco or other orthopaedic practitioner/s may from time to time, prepare report/s for presentation or publication providing confidentiality is preserved,
- 10.9 Notwithstanding the aforementioned, the SAOA President may, when it deems it in the best interests of the profession and/or the public, make known the name or names of persons that have been subjected to Peer Review, and the outcomes of such Peer Review

## **11 Liability**

- 11.1 The members of the Peer Review Committees act on behalf of the SAOA and will remain anonymous.
- 11.2 All liability for decisions and recommendations by the Peer review Committee shall be borne by the SAOA.

## **12 Authority**

The authority to act on behalf of or against orthopaedic practitioners registered in South Africa and practicing within its boundaries or its neighbouring regions is granted by the HPCSA.

**Approved by the 2020 AGM of the SAOA on the 21<sup>st</sup> November 2020 and updated and adopted by the SAOA EXCO on 30 November 2020.**