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FAQ on POPIA

Q: Dr asked if still allowed to add ICD10-codes & diagnosis on sick notes?

A: He may do so with the consent of the patient. Without it, he may not.

Q: Industry (Workers) patients – Normally do not fill in forms, they just get a card as all the patients bills goes onto one account to be paid by the head office. Should they now fill in the patient registration forms?

A: Yes, they must fill in the patient registration/consent forms and each must have their own file.

Q: Should Cash, Walk-in patients, Holiday makers also complete the patient registration forms?

A: Yes, but you can delete any inapplicable clauses – also they require their own files for each of these patients.

Q: IOD patients, should they complete the patient registration forms? Some of them do not understand Afrikaans or English or cannot even read or write.

A: COIDA is governed by its own regulations and the relevant forms must be used forms must be kept for a period of 10 years after the last event of the claim.

Q: Must the practice registration forms look exactly like the ones QualiCare has send out in the Handout or can we make some amendments and add our practice details?

A: You can amend them but, be very careful and always leave in all the POPI details.

Q: Is it a must that each patient has his/her own file?

A: Each patient must have their own file – no family files permitted any longer as this could cause breach of patient personal information. Persons between the ages 0-12 years - can share file with the principal member.

Q: Should a practice invest in a shredder to destroy files?

A: Yes, it is worth doing so – A Cross Cut shredder is advisable.

Q: Should you have a locked cabinet for patient files?

A: Yes, you should.

Q: What are employers are allowed to know?

A: All the QualiCare sick certificates have a place for the patient to sign, that they agree with the diagnosis. The patient may present the sick certificate to his employer. The Dr may not discuss the patients details without express consent by the patient.

Q: Are SMSs allowed as a means of communication with patients? Can I send results to my patient via SMS if they signed consent for me to do so?

A: Yes, you can to their cell phone number –HOWEVER DO NOT SEND RESULTS – just confirming appointments, etc.

Q: Why is there no email address space on the patient registration form?

A: No reason for that – It may be added in.

Q: Inactive files that do not contain lifesaving info and Files older than 6 years – must we now contact every patient before we can destroy it?

A: Files that have been inactive for 6 years must be destroyed unless there is an overriding medical reason why this should not happen. Do not need consent from a patient to destroy file. You may ask the patient if you chose to but it is best to place this into your Ts and Cs (See our recommended form).

Q: Do we have to have an agreement with the switching companies?

A: Yes – these are Operators. Please carefully check any operator agreement that has been send to you for compliance with wording in our suggested agreement, as per our handout.

Q: Are pathologists also so-called “Operators?”

A: No, they are Multi-Disciplinary Team.

Q: I use WhatsApp to communicate with patients how will this impact POPIA compliance?

A: We advise not to communicate any sensitive medical information per WhatsApp. Please add communication via WhatsApp to your TCs for patient to agree to but avoid sensitive personal medical information.

Q: Can we please get a list of whom we need Operator Agreements with?

A: Any intermediaries, accountants, switching companies, bureaus, practice management companies, etc.

Q: Do the company doing X-rays, Ultrasounds, MRI’s also need to sign an Operators agreement?

A: No

Q: Medical aids – do practices need to sign Operator’s agreement with Funders?

A: No unless you are designated service provider, and the funder is part of a managed care organization within the medical aid administrator.

Q: Are GPs and specialist committed to share medical reports on a common patient?

A: Yes, as they are part of the multi-disciplinary team, UNLESS the patient has expressly instructed one of the two parties not to share info with THE OTHER PARTY.

Q: Have a lot of old patients in frail care – nurse then calls the Dr’s rooms saying for instance patient has bladder infection – please send a RX – what do they do as on the Rx all the patient info is on????

A: Patient at care centers must sign the new patient registration forms at earliest convenience provided and if they are mentally competent. Sending a prescription to a nurse or pharmacist is permissible as they are part of the MDT.

Q: If a child’s parent made an appointment and the child comes to the practice on his/her own – the parent’s consent is not on the form? How do we cross this bridge?

A: A child under 12 cannot consent to medical treatment. Consent to see a child under the age of 12 should be sought by the parent or by the adult acting “in loco parentis”.

Forms can also be sent via email to the parent/guardian to be signed and send back.

Q: Cash paying children under 12 whose parents are not staying in town are often brought by an aunt, grandma, uncle etc.

A: Guardian to complete the Patient Registration form.

Q: Is QualiCare an OPERATORS and do practices need to sign the Operators Agreement form?

A: No Qualicare does not further process data on behalf of the doctors.

Q: Illiterate patients – what to do with them and the POPIA Consent Forms?

A: Enlist services of an interpreter for the completion of the form.

Q: Patients who refuse to complete POPIA Patient registration forms what to do with them?

A: Excepting an emergency, insist on the completion of the form, failing which delete the entire form and request patient to sign the deletion and write on the deletion that the patient refuses to comply.

Q: Should all the practice emails include a disclaimer and what should be in the disclaimer?

A: Yes, refer to the disclaimer of QualiCare. You may use it and substitute your practice name.

Q: Can a RX still be faxed directly to the pharmacy?

A: Yes.

Q: What is the procedure if a patient is referred to a specialist?

A: Write a referral letter like normal.