

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 1: Number of Sittings per Province per Year

Province	Number of Sittings						TOTAL
	2003	2004	2005	2006	2007	2008	
Eastern Cape	-	3	1	2	2	-	8
Free State	-	2	-	2	3	1	8
Gauteng	-	6	8	5	5	1	25
KwaZulu-Natal	1	1	2	3	1	1	9
Limpopo	-	1	-	1	-	-	2
Mpumulanga	-	-	-	-	-	-	-
North West	-	-	-	-	-	-	-
Northern Cape	-	1	-	-	-	-	1
Western Cape	1	1	-	1	1	1	5
TOTAL	2	15	11	14	12	4	58

NOTES:

1. The average sitting takes place over a period of 4 to 5 days.
2. The determination of provinces is guided by the cluster of institutions/hospitals in which complaints originated.
3. Most sittings took place in Gauteng. However, it should be noted that all cases from North West and Mpumulanga were heard in Gauteng. So too were some cases from Limpopo, Free State, Northern Cape and KwaZulu-Natal.

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 2: Number of Days per Province per Year

Province	Number of Days						TOTAL
	2003	2004	2005	2006	2007	2008	
Eastern Cape	-	11	5	10	9	-	35
Free State	-	7	-	10	15	5	37
Gauteng	-	22	38	21	25	5	111
KwaZulu-Natal	5	5	10	11	5	5	41
Limpopo	-	5	-	5	-	-	10
Mpumulanga	-	-	-	-	-	-	-
North West	-	-	-	-	-	-	-
Northern Cape	-	5	-	-	-	-	5
Western Cape	5	5	-	5	5	3	23
TOTAL	10	60	53	62	59	18	262

NOTES:

1. The average sitting takes place over a period of 4 to 5 days.
2. The determination of provinces is guided by the cluster of institutions/hospitals in which complaints originated.
3. Most days were spent in Gauteng. However, it should be noted that all cases from North West and Mpumulanga were heard in Gauteng. So too were some cases from Limpopo, Free State, Northern Cape and KwaZulu-Natal.

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 3: Number of Persons Involved by Type of Offence by Nursing Category (All Cases)

Type of Offence	Registered Nurses	Enrolled Nurses	Nursing Auxiliaries	Student Nurses	Pupil Nurses / Auxiliaries	TOTAL
Education related	18	1	-	-	-	19
Fraud/forgery	17	9	6	1	3	36
Maternity related	128	7	-	-	-	135
Medication related	105	26	3	9	-	143
Physical assault of colleague	5	4	5	1	-	15
Physical assault of patient	8	3	8	-	-	19
Poor basic nursing care	286	61	44	-	3	394
Section 36 (see note)	45	2	-	-	-	47
Sexual abuse of patient	15	9	7	-	-	31
Theft	2	1	1	-	-	4
TOTAL	629	123	74	11	6	843

NOTE:

Section 36 (of the Nursing Act, 1978) covers a person who:

- (a) has become mentally or physically disabled to such an extent that it would be detrimental to the public interest to allow him to continue to practise;
- (b) has become unfit to purchase, acquire, keep, use, administer, prescribe, order, supply or possess any scheduled substance;
- (c) has used, possessed, prescribed, administered or supplied any scheduled substance regularly for other than a medicinal purpose; or
- (d) has become addicted to the use of any scheduled substance.

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 4: Number of Cases by Type of Offence by Province (All Cases)

Type of Offence	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumulanga	North West	Northern Cape	Western Cape	TOTAL
Education related	-	-	-	6	-	-	-	-	-	6
Fraud/forgery	4	1	10	5	3	4	-	-	5	32
Maternity related	6	10	18	8	5	7	5	-	3	62
Medication related	8	15	23	14	2	-	1	-	6	69
Physical assault of colleague	1	4	2	-	-	-	1	-	1	9
Physical assault of patient	6	1	5	3	1	-	-	-	2	18
Poor basic nursing care	8	56	66	24	20	10	4	8	12	208
Section 36 (see note)	4	3	16	4	-	2	1	1	5	36
Sexual abuse of patient	-	4	9	2	-	1	-	-	3	19
Theft	-	2	1	-	-	-	-	-	-	3
TOTAL	37	96	150	66	31	24	12	9	37	462

NOTE:

Section 36 (of the Nursing Act, 1978) covers a person who:

- (a) has become mentally or physically disabled to such an extent that it would be detrimental to the public interest to allow him to continue to practise;
- (b) has become unfit to purchase, acquire, keep, use, administer, prescribe, order, supply or possess any scheduled substance;
- (c) has used, possessed, prescribed, administered or supplied any scheduled substance for other than a medicinal purpose; or
- (d) has become addicted to the use of any scheduled substance.

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 5: Number of Persons Involved by Type of Offence by Year (All Cases)

Type of Offence	Number of Persons						TOTAL
	2003	2004	2005	2006	2007	2008	
Education related	-	3	6	5	-	5	19
Fraud/forgery	-	11	3	7	12	3	36
Maternity related	5	28	34	26	33	9	135
Medication related	4	54	39	13	24	9	143
Physical assault of colleague	-	3	2	6	1	3	15
Physical assault of patient	-	8	5	2	3	1	19
Poor basic nursing care	28	142	90	40	72	22	394
Section 36 (see note)	-	15	5	7	13	7	47
Sexual abuse of patient	-	4	15	7	3	2	31
Theft	-	2	-	-	2	-	4
TOTAL	37	270	199	113	163	61	843

NOTE:

Section 36 (of the Nursing Act, 1978) covers a person who:

- (a) has become mentally or physically disabled to such an extent that it would be detrimental to the public interest to allow him to continue to practise;
- (b) has become unfit to purchase, acquire, keep, use, administer, prescribe, order, supply or possess any scheduled substance;
- (c) has used, possessed, prescribed, administered or supplied any scheduled sub-stance regularly for other than a medicinal purpose; or
- (d) has become addicted to the use of any scheduled substance.

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 6: Number of Persons Involved by Type of Representation by Nursing Category (All Cases)

Type of Representation	Registered Nurses	Enrolled Nurses	Nursing Auxiliaries	Student Nurses	Pupil Nurses / Auxiliaries	TOTAL
Defendant not present	86	20	10	1	3	120
Legal practitioner	125	19	25	7	3	179
Self	53	13	16	2	-	84
Union	354	61	42	-	3	460
TOTAL	618	113	93	10	9	843

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 7: Number of Persons Involved by Type of Finding by Nursing Category (Concluded Cases)

Type of Finding	Registered Nurses	Enrolled Nurses	Nursing Auxiliaries	Student Nurses	Pupil Nurses / Auxiliaries	TOTAL
Absolution from instance	30	6	7	-	1	44
Guilty	269	51	40	2	1	363
Not guilty	37	3	2	-	-	42
Removal of matter from roll	33	5	9	-	1	48
Transfer to admission of guilt fine	4	1	-	-	1	6
TOTAL	373	66	58	2	4	503

NOTES:

1. Absolution from instance means that the case against the defendant has been dropped because there is no evidence implicating the defendant in the case.
2. If the matter is found to be trivial or the defendant is found to be deceased, the matter is generally removed from the roll of cases to be heard.

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 8: Number of Persons Involved by Finding by Province (Concluded Cases)

Type of Offence	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumulanga	North West	Northern Cape	Western Cape	TOTAL
Absolution from instance	8	6	7	8	5	1	6	-	3	44
Guilty	37	40	131	56	30	24	5	18	22	363
Not guilty	2	12	14	11	-	1	1	-	1	42
Removal of matter from roll	2	2	34	7	1	-	-	-	2	48
Transfer to admission of guilt fine	-	1	2	-	-	-	1	-	2	6
TOTAL	49	61	188	82	36	26	13	18	30	503

NOTES:

1. Absolution from instance means that the case against the defendant has been dropped because there is no evidence implicating the defendant in the case.
2. If the matter is found to be trivial or the defendant is found to be deceased, the matter is generally removed from the roll of cases to be heard.

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 9: Number of Persons Involved by Finding by Year (Concluded Cases)

Type of Offence	Number of Persons						TOTAL
	2003	2004	2005	2006	2007	2008	
Absolution from instance	-	10	3	11	14	6	44
Guilty	21	134	89	39	57	23	363
Not guilty	7	11	11	3	6	4	42
Removal of matter from roll	-	23	9	2	3	11	48
Transfer to admission of guilt fine	-	-	-	-	5	1	6
TOTAL	28	178	112	55	85	45	503

NOTES:

1. Absolution from instance means that the case against the defendant has been dropped because there is no evidence implicating the defendant in the case.
2. If the matter is found to be trivial or the defendant is found to be deceased, the matter is generally removed from the roll of cases to be heard.

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 10: Number of Persons found Guilty by Type of Sentence by Nursing Category (Concluded Cases)

Type of Sentence	Registered Nurses	Enrolled Nurses	Nursing Auxiliaries	Student Nurses	Pupil Nurses / Auxiliaries	TOTAL
Caution / Reprimand	26	14	8	1	-	49
Extension of Training	-	1	-	-	-	1
Fine - Effective	53	12	1	-	-	66
Fine - Suspended	11	5	9	-	-	25
Removal - Effective	10	1	3	-	-	14
Removal - Permanent	7	1	-	-	-	8
Removal - Suspended	18	3	-	-	1	22
Suspension - Effective	13	1	1	-	-	15
Suspension - Suspended	122	20	19	1	-	162
Suspension of Nursing Education Qualification - Effective	1	-	-	-	-	1
TOTAL	261	58	41	2	1	363

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 11: Number of Persons Found Guilty by Type of Sentence by Province (Concluded Cases)

Type of Offence	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumulanga	North West	Northern Cape	Western Cape	TOTAL
Cautious / Reprimand	7	9	16	6	2	5	-	-	4	49
Extension of Training	-	-	-	-	-	-	-	-	1	1
Fine - Effective	7	-	18	20	13	1	1	5	1	66
Fine - Suspended	-	6	17	-	-	1	-	1	-	25
Removal - Effective	1	1	3	2	2	-	2	-	3	14
Removal - Permanent	3	1	1	-	2	1	-	-	-	8
Removal - Suspended	2	2	2	4	4	2	-	1	5	22
Suspension - Effective	1	2	5	4	-	2	-	1	-	15
Suspension - Suspended	15	21	71	18	6	11	2	10	8	162
Suspension of Nursing Education Qualification - Effective	-	-	-	1	-	-	-	-	-	1
TOTAL	36	42	133	55	29	23	5	18	22	363

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 12: Number of Persons Found Guilty by Sentence by Year (Concluded Cases)

Type of Offence	Number of Persons						TOTAL
	2003	2004	2005	2006	2007	2008	
Caution / Reprimand	2	14	13	5	12	3	49
Extension of Training	-	-	-	1	-	-	1
Fine - Effective	14	31	17	2	2	-	66
Fine - Suspended	-	14	7	2	2	-	25
Removal - Effective	1	5	2	3	2	1	14
Removal - Permanent	-	4	2	2	-	-	8
Removal - Suspended	1	8	3	1	7	2	22
Suspension - Effective	-	5	-	3	3	4	15
Suspension - Suspended	3	53	45	19	29	13	162
Suspension of Nursing Education Qualification - Effective	-	-	-	1	-	-	1
TOTAL	21	134	89	39	57	23	363

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 13: Number of Persons Removed Administratively by Type of Offence by Nursing Category

Type of Offence	Registered Nurses	Enrolled Nurses	Nursing Auxiliaries	Student Nurses	Pupil Nurses / Auxiliaries	TOTAL
Education related	-	-	-	-	-	-
Fraud/forgery	7	-	1	-	1	9
Maternity related	1	-	-	-	-	1
Medication related	7	-	-	-	-	7
Physical assault of colleague	-	-	-	-	-	-
Physical assault of patient	-	1	-	-	-	1
Poor basic nursing care	10	2	3	-	-	15
Section 36 (see note)	15	3	-	-	-	18
Sexual abuse of patient	-	-	-	-	-	-
Theft	1	-	-	-	-	1
TOTAL	41	6	4	-	1	52

NOTE: The Professional Conduct Committee executes its legal mandate to remove a nurse once evidence confirms that the nurse deliberately refused to present him-/herself for peer review conduct hearings.

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 14: Number of Persons Removed Administratively by Type of Offence by Province

Type of Offence	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumulanga	North West	Northern Cape	Western Cape	TOTAL
Education related	-	-	-	-	-	-	-	-	-	-
Fraud/forgery	2	-	2	2	-	2	-	-	1	9
Maternity related	-	-	-	-	-	1	-	-	-	1
Medication related	3	1	2	-	-	-	-	-	1	7
Physical assault of colleague	-	-	-	-	-	-	-	-	-	-
Physical assault of patient	-	-	-	-	-	-	-	-	1	1
Poor basic nursing care	1	1	5	3	2	1	2	-	-	15
Section 36 (see note)	1	-	11	2	1	-	-	-	3	18
Sexual abuse of patient	-	-	-	-	-	-	-	-	-	-
Theft	-	-	1	-	-	-	-	-	-	1
TOTAL	7	2	21	7	3	4	2	-	6	52

NOTE:

The Professional Conduct Committee executes its legal mandate to remove a nurse once evidence confirms that the nurse deliberately refused to present him-/herself for peer review conduct hearings.

SOUTH AFRICAN NURSING COUNCIL

Professional Misconduct Cases - July 2003 to June 2008

Table 15: Number of Persons Removed Administratively by Type of Offence by Year

Type of Offence	Number of Persons						TOTAL
	2003	2004	2005	2006	2007	2008	
Education related	-	-	-	-	-	-	-
Fraud/forgery	-	2	-	2	5	-	9
Maternity related	-	1	-	-	-	-	1
Medication related	-	5	-	-	1	1	7
Physical assault of colleague	-	-	-	-	-	-	-
Physical assault of patient	-	-	-	-	1	-	1
Poor basic nursing care	-	8	2	1	3	1	15
Section 36 (see note)	-	1	3	3	7	4	18
Sexual abuse of patient	-	-	-	-	-	-	-
Theft	-	-	-	-	1	-	1
TOTAL	-	17	5	6	18	6	52

NOTE:

The Professional Conduct Committee executes its legal mandate to remove a nurse once evidence confirms that the nurse deliberately refused to present him-/herself for peer review conduct hearings.