

THE OFFICE OF HEALTH STANDARDS COMPLIANCE

**DR SIPHIWE MNDAWENI
CHIEF EXECUTIVE OFFICER**

VIRTUAL ENGAGEMENT WITH THE GENERAL PRACTITIONERS

25 MARCH 2021

Purpose



Communicate the work of the Office of Health Standards Compliance (OHSC) as the Regulatory Body



Functions of the OHSC relevant to the regulating general practices and health establishments.

VISION AND MISSION OF THE OHSC

OHSC

MISSION

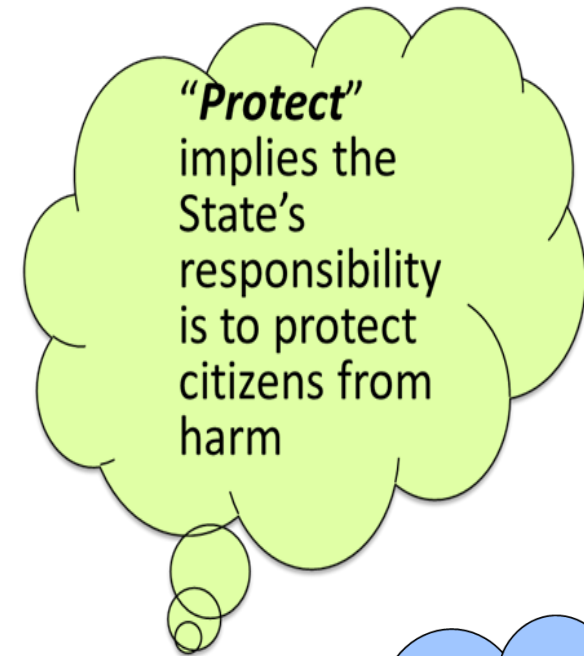
Monitor and enforce health care safety and quality standards in health establishments independently, impartially, fairly, and fearlessly on behalf of healthcare users.

VISION

Consistent safe and quality healthcare for all.

MANDATE OF THE OHSC

- National Health Amendment Act 12 of 2013 established the OHSC as an independent public entity:
- **Section 78. the *Objects of the OHSC are to:***
 - Protect and promote the health and safety of users of health services by:
 - Monitoring and enforcing compliance by health establishments (HEs) with prescribed norms and standards.
 - Ensuring consideration, investigation and disposal of complaints relating to breaches of norms and standards.



LEGAL IMPLICATIONS: OHSC MANDATE

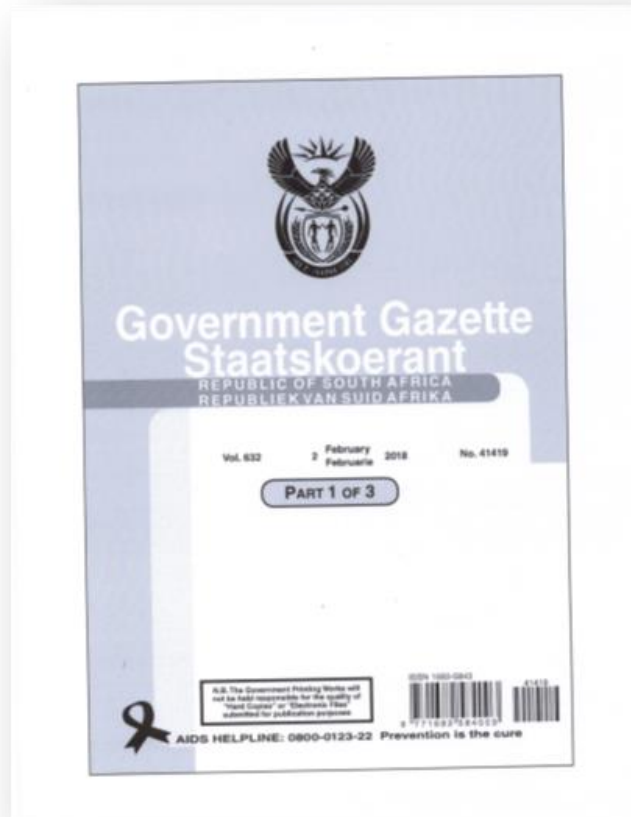
- The **Constitution of the Republic of South Africa (1996)**, Bill of Rights (Chapter 2) confers certain human rights.
- **Section 27 of the Bill of Rights** gives everyone the right to healthcare services and other social rights.

“Everyone has the right to have access to— (a) health care services, including reproductive health care; (b) sufficient food and water; and (c) social security

- The **National Health Act as Amended (2013)** provides the overarching legislative framework for the structured and uniform healthcare system
- The **National Policy in Quality (2007)** policy identifies mechanisms for improving the quality of health care quality of healthcare in both the public and private sectors.

Norms and Standards Regulations

Norms and Standards Regulations Applicable to Different Categories of Health Establishments



- Promulgated on 2 February 2018
- Came into effect in February 2019

LEGAL IMPLICATIONS ON OHSC MANDATE..cont

- The **norms and standards for different categories of health care establishments and the procedural regulations** pertaining to the functioning of the OHSC and handling of complaints by Ombud guide the exercise of powers conferred to the OHSC.
- The procedural regulations are applicable to all categories of health establishments as per the National Health Act (2003).
- The **Presidential Health Summit Compact (2018)** states that:
 - ✓ “Regulation plays a crucial role in establishing the rules within which professionals and organisations must operate within a more people-centred and integrated health system”.

LEGAL IMPLICATIONS ON OHSC MANDATE..cont

- Chapter 10 of the **National Development Plan (2020)** on Health, Priority 2 which relates to “strengthening the health system”, includes the role of the OHSC as an independent entity.
- The OHSC is responsible for ensuring that standards are met in every sphere and at every level.
- Specific focus will be on achieving common basic standards in the public and private sectors.
- The OHSC takes into account the **Medium-Terms Strategic Framework (MTSF)** in the execution of its mandate and role.

LEGAL IMPLICATIONS ON OHSC MANDATE..cont

- Chapter 10 of the **National Development Plan (2020)** on Health, Priority 2 which relates to “strengthening the health system”, includes the role of the OHSC as an independent entity.
- The OHSC is responsible for ensuring that standards are met in every sphere and at every level.
- Specific focus will be on achieving common basic standards in the public and private sectors.
- The OHSC takes into account the **Medium-Terms Strategic Framework (MTSF)** in the execution of its mandate and role.

MANDATE OF THE OHSC

The OHSC mandate contributes to two distinct but interdependent regulatory outcomes, which are:

- Reduction in avoidable mortality, morbidity and harm within health establishments through reliable and safe health services; and
- Improvements in the availability, responsiveness and acceptability of health services for users.

National Health, Act No 12 of 2013

Section 79 of the National Health, Act No 12 of 2013 - Functions of the Office

MUST

1. Advise the Minister of Health on determining norms and standards that are to be prescribed for the national health system and on the review of such norms and standards

2. Inspect and certify health establishments as compliant or non-compliant with prescribed norms and standards or, where appropriate, withdraw such certification

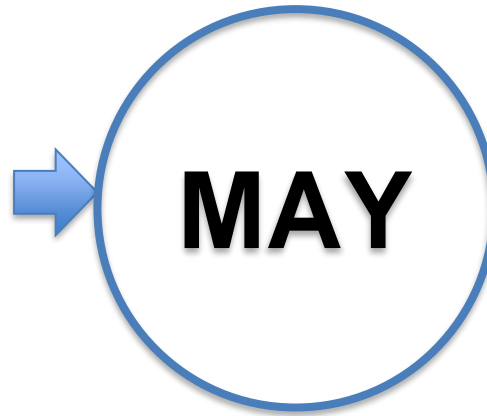
3. Make recommendations for intervention by national, provincial or municipal health departments or by individual health establishments to ensure compliance with prescribed norms and standards

4. Publish information relating to prescribed norms and standards through the media, website and gazette etc, where appropriate, to specific communities

5. Recommend to the Minister quality assurance and management systems for the national health system

National Health, Act No 12 of 2013

Section 79 of the National Health, Act No 12 of 2013 - Functions of the Office



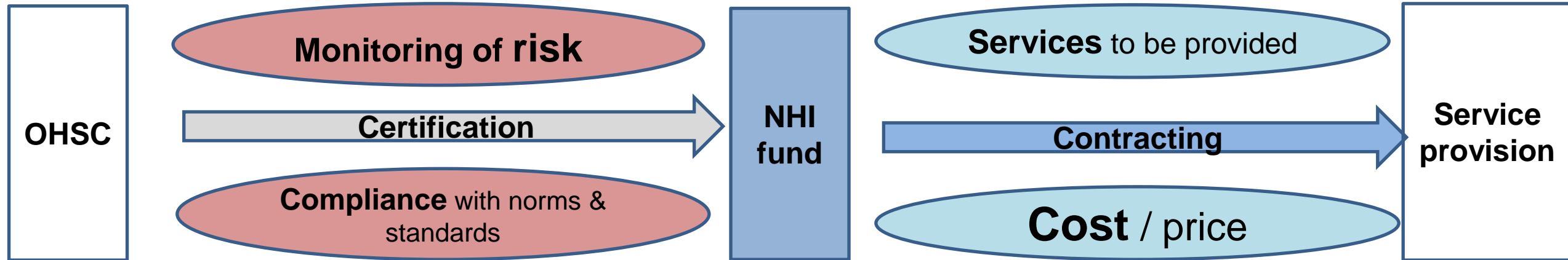
1. Issue guidelines to help health establishments implement the prescribed norms and standards

2. Request or collect any information on prescribed norms and standards from health establishments and health service users

3. Liaise with and exchange information with other regulatory authorities on matters of common interest and specific complaints or investigations

4. Negotiate co-operative agreements with any regulatory authority in order to co-ordinate and harmonise their work where their jurisdictions are closely related

THE OHSC, AND THE LINK TO FUNDING (NHI BILL - JUNE 2018)



**Certification of compliance with norms and standards
as a pre-requisite for funding**

Appeal to social solidarity underpinning UHC must also address:

- **Acceptability and responsiveness** of services - a key factor in public acceptance or opposition, patient choice
- **Effectiveness and efficiency** - will be critical in accounting for (increased) public funds

ACCREDITATION STEPS FOR NHI (PRESIDENTIAL HEALTH SUMMIT COMPACT)

- **Step 1: Meet regulation requirements**
- **Step 2: Meet licensing requirements**
- **Step 3: Meet certification requirements**
- **Step 4: Meet NHI requirements**

OHSC ROLE IN THE NHI (PRESIDENTIAL HEALTH SUMMIT COMPACT)

- **The OHSC ensures compliance with norms and standards and manages complaints.**
- **A key aspect of NHI the requirement the contracted facilities attain the minimum requirements of the national norms and standards for health service providers as determined in the national framework agreement drawn up by the OHSC.**

BEHAVIOUR WE SEEK TO CHANGE

PROMOTE AND RECOGNISE

- **Systems to assess and control risks to safety and quality**
- **“User focus”** compassionate, respectful, available
- **“Provider focus”** - effective, efficient
- **Proactive, problem-solving**
- **Accountable**

“Compliance” and benchmarking
Making it more comfortable to do your job than not to

DISCOURAGE AND PENALISE

- **Ad-hoc and arbitrary actions / activities**
- **Impunity** - for abuse of power, negligence, non-delivery
- **Acceptance of mediocrity**
- **“Its not my fault”**

DESIRED OUTCOMES

- The OHSC will interact and engage with General Practitioners through various platforms as per the **National Policy on Quality (2007)** which identifies mechanisms for improving the quality of healthcare in both the public and private sectors.

POWERS OF THE OHSC

.. AND IMPLICATIONS

ASSESS; "DIAGNOSE"

Monitor compliance; early warning indicators of breach of norms & standards

Annual returns, EWS, Complaints

Investigate complaints relating to breaches of norms & standards

Complaints call center assesses calls, allocated for management or referred for investigation

Inspect to assess compliance with norms & standards

Routine and risk based inspections

ADVISE

Advise on ... Prescribed norms and standards for the health system

Regulations promulgated Feb 2018

Publications / guidance outlining requirements

RECOMMEND

Issue guidance relating to norms & standards

Guidance outlining best practice

Recommend interventions and systems

Issue recommendations and publish response & outcomes

ENFORCE

Issue notice of non-compliance with norms & standards; monitor

Implement sanctions for persistent non-compliance with norms & standards

Health establishments must implement corrective action

Certify compliance with norms & standards (link to NHI)

Performance improving slowly

May receive written warning, be subject to a hearing

THANK
YOU