

Existing Homoeopathic Scope of Practice

Introduction

This document was specifically compiled for the Medical Schemes and various other bodies and institutions who do not have a clear understanding or knowledge of the rights and privileges afforded to a registered Homoeopathic Practitioner.

Below are all sections and definitions from both the principle Act and the regulations thereto, which relate to or prescribe the Scope of Practice of a Homoeopathic Practitioner. Particular attention should be given to the sections highlighted in yellow, specifically the "*acts specially pertaining to the profession of a homeopath*", definitions such as those relating to "*Homoeopathic Principles*" and "*Homoeopathic Substance*" as well as the various sections relating to "*remedies*".

The relationship between regulation 47 as described in the 1982 regulations and the definitions in the 2001 regulations combined with the regulation 28 are most important. Together all the various sections contained in this document, directly or indirectly, make up the Scope of Practice of a Homoeopathic Practitioner or influence what a Homoeopathic Practitioner may or may not do.

What should also be considered is that which is NOT contained, specifically mentioned or specifically prohibited in terms of the Act and Regulations. In this respect Section 40 of the Act should enjoy special consideration.

See also Addendum A as it relates to the Scope of Practice of a Homoeopathic Practitioner.

It should also be noted that the primary function of a Homoeopathic Practitioner is to practice Homoeopathy and all other modalities, techniques and substances are adjuncts to the primary Homoeopathic treatment.

It should also be noted that many other Homoeopathic systems, medicines and protocols, such as so-called Homotoxicology™, are part of Homoeopathy and are nothing but different protocols, which use Homoeopathic Medicine and substances and they are not and cannot be differentiated or divorced from Homoeopathy. (See Addendum B)

For more information contact;

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ALLIED HEALTH PROFESSIONS ACT, 1982
(ACT NO. 63 OF 1982)
[ASSENTED TO 26 MARCH 1982]
[DATE OF COMMENCEMENT: 1 AUGUST 1982]
A C T

Definitions

1. (1) In this Act, unless the context otherwise indicates-

"allied health profession" means the profession of ayurveda, Chinese medicine and acupuncture, chiropractic, homoeopathy, naturopathy, osteopathy, phytotherapy, therapeutic aromatherapy, therapeutic massage therapy or therapeutic reflexology, or any other profession contemplated in section 16 (1) to which this Act applies;

"homoeopath" means a person registered as such under this Act;

"intern" means a person registered as such under this Act;

"practitioner" means a person registered as an acupuncturist, ayurveda practitioner, chiropractor, homoeopath, naturopath, osteopath or phytotherapist, in terms of this Act;

"student-intern" means a person registered as such in terms of section 19;

"unprofessional conduct" means improper, disgraceful, dishonourable or unworthy conduct or conduct which, when regard is had to the profession of a person who is registered in terms of this Act, is improper or disgraceful or dishonourable or unworthy;

(2) For purposes of this Act-

- (a) a practitioner may-
 - (i) diagnose, and treat or prevent, physical and mental disease, illness or deficiencies in humans;
 - (ii) prescribe or dispense medicine; or
 - (iii) provide or prescribe treatment for such disease, illness or deficiencies in humans;

Allied health professions

16. (1) The Minister may, at the request of the council, by notice in the *Gazette* declare the provisions of this Act to be applicable to any profession which has as its object the promotion of health, or the treatment, prevention or relief of physical or mental defects, illnesses or deficiencies in humans, excluding any profession referred to in subsection (1A) or any profession to which the provisions of the Pharmacy Act, 1974 (Act No. 53 of 1974), the Health Professions Act, 1974 (Act No. 56 of 1974), the Nursing Act, 1978 (Act No. 50 of 1978), or the Dental Technicians Act, 1979 (Act No. 19 of 1979), apply.

(1A) The professions excluded in terms of subsection (1) are the professions of-

- (a) ayurveda, chiropractic and homoeopathy;

(2) The Minister may, on the recommendation of the council, by regulation define the scope of any allied health service profession by specifying the acts which shall for the purposes of the application of this Act be deemed to be acts pertaining to that profession:... (technicalities omitted for purposes of this document)

(3) Subject to the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), and subject to the approval of the Medicines Control Council, the Minister may, on the recommendation of the council, by regulation prescribe access to and availability of medicines relative to the professions registered in terms of this Act.

(4) (a) Subject to the Medicines and Related Substances Control Act, 1965 (Act No. 101 of 1965), every practitioner whose name has been entered in the register of dispensing practitioners contemplated in paragraph (b) may, on such conditions as the council, after consultation with the relevant professional board, may determine in writing, in general or in a particular case, compound or dispense medicine prescribed by himself or herself or by any other practitioner with whom he or she is in partnership or with whom he or she is associated as principal or assistant or *locum tenens*, for use by a patient under treatment by such practitioner or such other practitioner: Provided that he or she may not keep an open shop or pharmacy.

Effect of registration as practitioner

17. Subject to the provisions of this Act, registration confers the right upon a practitioner to practise for gain each profession in respect of which he is registered and in particular to perform for gain any of the acts specially pertaining to each such profession and to indicate each such profession upon his nameplate or in such other manner as may be prescribed.

CHAPTER 4

OFFENCES, PENALTIES AND OTHER JUDICIAL MATTERS

Offences by unregistered persons, and penalties

31. (1) Subject to the provisions of subsection (2) of this section and section 41, any person who is not registered as a practitioner in a particular profession and who-

- (a) for gain practises any such profession;
- (b) for gain performs any act specially pertaining to any such profession;
- (c) pretends, or by any means whatsoever holds himself or herself out, to be any such practitioner, whether or not purporting to be registered; or
- (d) uses the title of acupuncturist, ayurvedic practitioner, chiropractor, homoeopath, naturopath, osteopath, phytotherapist, therapeutic aromatherapist, therapeutic massage therapist, therapeutic reflexologist or of any other profession registered in terms of this Act, or any other title or any name, description or symbol indicating, or calculated to lead persons to infer, that he or she holds the qualification of acupuncturist, ayurveda practitioner, chiropractor, homeopath, naturopath, osteopath, phytotherapist, therapeutic aromatherapist, therapeutic massage therapist, therapeutic reflexologist or of any other profession registered in terms of this Act;

shall be guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding six months or to both a fine and such imprisonment.

(2) The provisions of subsection (1) shall not prohibit-

- (a) any person exercising a profession to which the provisions of the Pharmacy Act, 1974 (Act No. 53 of 1974), the Health Professions Act, 1974 (Act No. 56 of 1974), the Nursing Act, 1978 (Act No. 50 of 1978), or the Dental Technicians Act, 1979 (Act No. 19 of 1979), apply, from performing any act pertaining to his or her profession, as contemplated in the appropriate Act, which may lawfully be performed by him or her;
- (b) a practitioner in any allied health profession from performing any act pertaining to an allied health profession, if such act is an act which also pertains to the profession for which the practitioner is registered in terms of this Act.

(3) The council may, in addition to any penalty imposed in terms of this section, order that the cost of conducting the inquiry or such portion of the inquiry as the council may determine, shall be paid by the practitioner concerned.

(4) The imposition of a penalty shall have the effect of a civil judgment of the magistrate's court of the district in which the disciplinary inquiry took place.

Offences by practitioners and students, and penalties

32. (1) A practitioner or a student who is not registered as a medical practitioner in terms of the Health Professions Act, 1974 (Act No. 56 of 1974), may not-

- (a) pretend, or by any means whatsoever hold himself or herself out, to be a medical practitioner, or make use of the title of medical practitioner or any other title or any name, description or symbol indicating, or calculated to lead persons to infer, that he or she holds the qualifications of a medical practitioner; or
- (b) perform any act which does not fall within his or her prescribed scope of practice.

Other offences, and penalties

32A. Any person who-

- (e) pretends to be a person registered in terms of this Act; or
- (f) supplies or offers to supply to any person not registered under this Act, the Health Professions Act, 1974 (Act No. 56 of 1974), or the Nursing Act, 1978 (Act No. 50 of 1978), any instrument or appliance which can be used, or is claimed to be effective, for the purpose of diagnosing, treating or preventing physical or mental defects, illnesses or deficiencies in man, knowing that such instrument or appliance will be used by such unregistered person for the purpose of performing for gain an act which such unregistered person is in terms of the provisions of this Act or the Health Professions Act, 1974, or Nursing Act, 1978, prohibited from performing for gain,

shall be guilty of an offence and on conviction liable to a fine or to imprisonment for a period not exceeding one year or to both a fine and such imprisonment.

No remuneration recoverable by unregistered persons in respect of certain acts

37. No remuneration shall be recoverable in respect of any act specially pertaining to any profession if performed by a person who is not a practitioner in the profession concerned.

CHAPTER 5

GENERAL AND SUPPLEMENTARY PROVISIONS

Regulations

- 38.** (1) The Minister may on the recommendation of the council make regulations relating to-
- (i) the acts specially pertaining to any specified profession;
 - (l) the remedies which a practitioner may in the practice of any profession in respect of which he is registered, prescribe or prepare for or supply to a patient of his, or may have in his possession or under his control for the practise by him of any such profession;
 - (m) the exemption from the provisions of any regulation made under paragraph (l) of a practitioner who was at the commencement of the Homeopaths, Naturopaths, Osteopaths and Herbalists Amendment Act, 1980 (Act 40 of 1980), in the practice of his profession lawfully making use of any remedy not mentioned in any such regulation, with regard to that remedy;

(3) The provisions of subsection (1) (l) and (m) shall not be applicable to a remedy which is a Scheduled substance as defined in section 1 of the Medicines and Related Substances Control Act, 1965.

(7) The council may from time to time determine and publish requirements with regard to the manufacture, packing and labelling of remedies which may be prescribed, prepared or supplied by a practitioner in terms of subsection (1) (l) for the purposes of the practising of his registered profession.

Unregistered persons not eligible for or entitled to hold certain appointments

39. No person, except a practitioner in the profession concerned, shall be eligible for or entitled to hold any office which involves the performance by him of any act specially pertaining to a profession which he may not perform for gain: Provided that nothing in this section contained shall be construed so as to prohibit the training of any student.

Saving

40. The provisions of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act 56 of 1974), shall not be construed as prohibiting any practitioner from performing for gain any act usually performed at the commencement of this Act by persons who practise the profession concerned in the Republic and the performance of which by any such practitioner is not prohibited by this Act.

GOVERNMENT NOTICE

No. R.2610

3 December 1982

REGULATIONS

In terms of section 38 of the **Associated Health Service Professions Act, 1982 (Act 63 of 1982)**

CHAPTER 11

THE ACTS SPECIALLY PERTAINING TO ANY SPECIFIC PROFESSION

Homeopathy

47. The following acts are acts specially pertaining to the profession of a homeopath:

- (a) The physical examination of any person, taking into account the totality of symptoms and the modalities and peculiarities thereof, for the purpose of diagnosing any physical defect, illness or deficiency in such person.
- (b) The treatment or prevention of any physical defect, illness or deficiency in any person by remedies, dietary advice or dietary supplementation in accordance with and based on homeopathic principles.

GOVERNMENT NOTICE

No. R. 1746 - 12 August 1983

RULES SPECIFYING THE ACTS OR OMISSIONS IN RESPECT OF WHICH DISCIPLINARY ACTION MAY BE TAKEN BY THE BOARD

Approved in terms of section 29(2) of the Associated Health Service Professions Act, 1982 (Act 63 of 1982) the Rules made by the **South African Associated Health Service Professions Board** in terms of section 29(1) of the Act.

Remedies, apparatus and processes

12. In a practice no use may be made of-

- (a) any form of treatment, apparatus or process which is secret or is claimed to be secret;
- (b) any apparatus which proves upon investigation by the board to be incapable or fulfilling the claims made in regard to it;
- (c) diagnostic and treatment methods which do not comply with the accepted standards of the professions as determined by the board from time to time;
- (d) any act which is an unacceptable act, standard or method, as from time to time determined by the board and which is brought to the attention of the practitioners.

Acts and display of certificates

14. (1) Except in emergencies, a practitioner may not perform a professional act-

- (a) which does not pertain to his registered profession;
- (b) for which he has insufficient training or experience; or
- (c) outside his consulting room, except with the prior written consent of the board and subject to such conditions as the board may determine.

Regulations to the Medical Schemes Act 131 of 1998, GN R540 Gazette no. 23379, 30 April 2002

"Emergency Medical Condition" means the sudden, and at the time, unexpected onset of a health condition that requires medical or surgical treatment, where failure to provide medical or surgical treatment would result in serious impairment of bodily functions or serious dysfunction of a bodily organ or part, or would place the person's health in serious jeopardy.

Remedies

16. (1) A practitioner shall be entitled to personally compound, dispense or supply remedies referred to in section 38(1)(l)(i) of the Act which are prescribed by himself, or by another practitioner with whom he is in partnership or with whom he is associated as principal or assistant or *locum tenens*, for use by a patient under treatment of such practitioner or of such other practitioner: Provided that a practitioner shall not be entitled to keep an open shop or pharmacy.

(It should be noted that 16(1) and Reg. 28(c) will be affected by the provisions of Act 101 as only those professions / practitioners who are holders of a Compound and Dispensing License will be allowed to compound his / her own medicine. Practitioners who only hold a Dispensing License will NOT be allowed to do any compounding of medicine irrespective of the provisions of this section)

(2) A practitioner may not manufacture, prepare, store or display any medicines, remedies or substances in the section of his consulting room which is used for-

- (a) consultation, examination and treatment of patients; or
- (b) waiting room purposes.

GOVERNMENT NOTICE

No. R.127

12 February 2001

REGULATIONS

In terms of section 38 of the **Allied Health Professions Act, 1982** (Act No. 63 of 1982).

Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates-

"allersodes" means homoeopathic medicine or substances which are derived from antigens (substances that under suitable conditions can induce the formation of antibodies), including toxins, ferments, precipitinogens, agglutinogens, opsonogens, lysogens, venins, agglutinins, complements, opsonins, amboceptors, precipitins, and most original proteins;

"basic substance" in relation to-

(a) the homoeopathic profession, means any substance from which or out of which the homoeopathic mother tincture or the first trituration is prepared or manufactured, or any stronger concentration of such substance; and

"compounding" means the combining or mixing of substances or medicine;

"dispensing" means the issuing, interpretation and evaluation of a prescription, the selection, manipulation, preparation, recording and compounding of the medicine, the labelling and supplying of medicines in an appropriate container and the provision of information and instructions to ensure the safe and effective use of a medicine by a patient;

"formulate", for the purpose of making a medicine consisting of constituents or substances whether used alone or in combination, means to calculate or determine constituents or substances and the quantities and strengths of such constituents or substances, including the process of preparing or combining such constituents or substances or medicine, and the calculation or determination of the dosage of such medicine;

"homoeopathic philosophy" means those principles, techniques, philosophies, theories or ideologies pertaining to techniques or principles of case taking and physical, mental and biochemical examination, prescribing, preparing, manipulating, dispensing, compounding and formulating which are recorded in the Organon of Medicine, in any of the homoeopathic materia medicas, in materia medicas or vade mecum which describe medicine containing homoeopathic substances, in any of the homoeopathic pharmacopoeias, or any other equivalent homoeopathic standard or any other publication on the subject of such principles, techniques, philosophies, theories or ideologies;

For purposes of the definition of **"homoeopathic philosophy"**-

"homoeopathic pharmacopoeias" means any book in which basic substances, their physical properties, toxicology, chemical composition, their interaction with other substances, their effects and side-effects and the method of compounding or manufacture are described and may or may not include homoeopathic substances;

"materia medicas" means any book in which the botanical or chemical properties or the physical character of substances, the natural history of substances, the actions of substances on the body in health and disease, the collective symptoms obtained from experimental study of substances or the therapeutics relating to the application of substances in disease are described and which substances may include homoeopathic substances;

"Organon of Medicine" means any book written by the founder of homoeopathy, Samuel Hahnemann, in which the principles, philosophy and practice of homoeopathy are described;

"vade mecums" means any book in which any protocol of treatment or substances, or formulations of substances which may include homoeopathic substances, their application and dosage are described;

"homoeopathic principles" means the principles which are based upon, obtained from or which form part of homoeopathic philosophy;

"homoeopathic substance" or **"homoeopathic medicine"** or **"homoeopathic remedy"** means any substance or mixture of substances, preparation, compound, product, device or thing which-

- (a) is compounded, formulated, manufactured, prepared, manipulated, altered or adjusted in accordance with homoeopathic principles, techniques or philosophy;
- (b) is modelled on homoeopathic principles or philosophy or is termed a homoeopathic medicine, remedy or substance;
- (c) is obtained by method of successive dilution and succussion and/or trituration whether achieved manually, mechanically, or electronically including radionics or by whatever means or whatever scale of dilution;
- (d) includes but is not limited to starting substances or which contain or purport to contain or possess or purport to possess properties of such substances;
- (e) consists mainly of or contains substances which are generally regarded or accepted as being homoeopathic medicine, remedy or substances, and includes but is not limited to starting substances, including nosodes, allersodes, isodes and sarcodes;

"homoeopathic techniques" means the techniques which are based upon or obtained from or which form part of homoeopathic philosophy;

"isodes" means homoeopathic substances which are derived from botanical, biological, chemical or synthetic substances, or scheduled substance or any medicine, including excipients or binders, which have been ingested or otherwise absorbed by the body and are believed to have produced a disease or disorder which interferes with homeostasis;

For purposes of the definition of **"isodes"**-

"homeostasis" means internal equilibrium, which is achieved by adjusting the body's physiological processes;

"manipulate" in relation to-

- (a) homoeopathy, means the changing or altering, whether of the form, appearance, effect, strength, mass, volume or quantity, or the changing in any way of any substance, medicine or thing; and

"medical device" or **"device"** means any instrument, appliance, material, machine, apparatus, implant or diagnostic reagent or any other article, whether used alone or in combination, including software necessary for its proper application, which is used for or purports to be suitable for use or which is manufactured or sold for use-

- (a) in the diagnosis, prevention, monitoring, treatment or alleviation of disease;
- (b) in the diagnosis, monitoring, treatment or alleviation of or in compensation for an injury or handicap;
- (c) in the investigation, replacement or modification of the anatomy or of a physiological process;
- (d) in the diagnosis of pregnancy, or contraception, or the termination of pregnancy; or
- (e) in the manufacture, modification, manipulation, preparation, simulation, production, application, induction or transmission of homoeopathic medicine, and which does not achieve its principal intended action in or on a human or animal body by chemical, pharmacological, immunological or metabolic means, but which may be assisted in its function by such means;

"medicine" means any substance or mixture of substances intended to be used by, or administered to, human beings for any of the following purposes:

- (a) Treating, preventing or alleviating symptoms of disease, abnormal physical or mental states or the symptoms thereof,
- (b) diagnosing disease or ascertaining the existence, degree or extent of a physical condition,
- (c) preventing or interfering with the normal operation of physiological function, whether permanently or temporarily and whether by way of terminating, reducing, postponing or increasing or accelerating the operation of that function;

and includes any substance which originates from a plant, mineral, chemical or animal and is used or intended to be used for, or purported to be useful in, complementing the healing power of a human or animal body in the treatment, modification, alleviation or prevention of disease, abnormal physical or mental state or the symptoms thereof in a human being or animal, and includes, but is not limited to, any homoeopathic substance;

"nosodes" means homoeopathic substances which are derived from pathological organs or tissues, including causative agents such as bacteria, fungi, ova, parasites, virus particles, yeast or disease products or excretions;

"prepare" means all acts pertaining to the making or changing or adapting or manipulating of a substance or medicine, or the putting together or making ready by combining of various elements, substances or ingredients, or the making ready of substances or constituents or medicine for the purpose of compounding or manipulating or dispensing;

"sarcodes" means homoeopathic substances which are derived from wholesome organs or tissues obtained from healthy animals;

"substance" means anything which, whether used alone or in combination in either its original or natural state or in compounded, manipulated or prepared form, constitutes a medicine or forms part of a medicine or which is a basic or starting substance;

CHAPTER 3

REMEDIES RELATIVE TO THE VARIOUS PROFESSIONS

Homoeopathy

28. Subject to the provisions of the Medicines and Related Substances Control Act, 1965, a practitioner registered as a homeopath may, for the purposes of his or her practice-

- (a) possess or have under his or her control-
 - (i) any homoeopathic substances;
 - (ii) substances that are not scheduled substances;
 - (iii) substances that are used as starting substances in the preparation, formulation, compounding and dispensing of homoeopathic substances, those scheduled substances, including their derivatives and their salts and the derivatives of their salts where the existence of such salts is possible, which are recorded in one of the homoeopathic materia medicas, in one of the homoeopathic pharmacopoeias, or in any other equivalent homoeopathic or non-homoeopathic standard, in quantities and concentrations not more than what is reasonably considered necessary for this purpose;
 - (iv) the following scheduled substances, including their derivatives and their salts and the derivatives of their salts where the existence of such salts is possible:
 - (aa) Adrenaline cepinephrine);
 - (bb) Alkaloids and glycosides; and
 - (cc) all poisonous alkaloids and glycosides not specifically referred to in Schedule 1, 2, 3, 4, 5, 6 or 7 of the Medicines and Related Substances Control Act, 1965, containing not more than one part per thousand of. such alkaloids or glycosides, excluding the those alkaloids and glycosides in the maximum strength indicated below:

- Aconite tincture (B.P.);
- Belladonna tincture (B.P. 1980);
- Cocaine: substances containing not more than one part per thousand of cocaine, calculated as cocaine alkaloid;
- Gelsemium tincture (B.P.C. 1973);
- Ipecacuanla tincture (B.P. 1980);
- Sabadilla alkaloids (B.P.C. 1934);
- Veratrum tincture (B.P.C. 1934);
- Amyl nitrite;
- Antimicrobial substances (chemotherapeutic substances, synthesised in nature or the laboratory), substances containing not more than one part per thousand thereof;
- Antimony potassium tartrate and antimony sodium tartrate;
- Apomorphine;
- Arsenic: substances containing not more than one part per ten thousand of arsenic, calculated as arsenic trioxide;
- Atropine;
- Barbituric acid: substances containing not more than one part per ten thousand thereof;
- Bee venom;
- Cantharidin;
- Chloroform;
- Corticosteroids (natural or synthetic): substances containing not more than one part per thousand thereof;
- Cresol and phenol;
- Digitalis leaf (B.P. 1980);
- Emetine;
- Ether (diethyl ether);
- Fluorides;
- Homatropine;
- Hormones (natural or synthetic): substances containing not more than one part per thousand thereof;
- Hyoscine: substances containing not more than one part per thousand thereof;
- Insulin;
- Lead acetate;
- Lithium: substances containing not more than one part per thousand thereof;
- Mercury: substances containing not more than one part per thousand thereof;
- Nicotinic acid: substances containing not more than one part per hundred thereof;
- Nitroglycerine: substances containing not more than one part per thousand thereof;
- Nux vomica;
- Opium tincture (Ph.Cx., 11th edition): substances containing not more than one part per thousand thereof;

- Papaverine: substances containing not more than one part per thousand thereof;
 - Phospholipids;
 - Physostigmine;
 - Pilocarpine;
 - Potassium dichromate;
 - Pygeum africanum (lipido-sterolic complex extract thereof);
 - Radix valedanae and its extracts;
 - Rauwolfia serpentina (dry root) (Ph.Cx., 11th edition);
 - Strychnine: substances containing not more than one part per thousand thereof;
 - Strophanthus (B.P.);
 - Tubocurarine: substances containing not more than one part per thousand thereof;
 - Thyroid gland (dry and clean) (Ph.Cx., 11th edition);
 - Vincamine;
 - Zinc salts; and
- (v) nosodes, allersodes, isodes and sarcodes;
- (vi) substances referred to in subparagraph (ii) in an injectable form; and
- (vii) substances referred to in subparagraphs (i), (iii), (iv) and (v) and water, in an injectable form;
- (b) prescribe for a patient or supply to a patient-
- (i) any homoeopathic substance, preparations and mixtures of substances or medicines or substances containing homoeopathic substances or any homoeopathic substance or thing which fails within the definition of a homoeopathic substance or which is in homoeopathic form in any homoeopathic dose or potency;
 - (ii) substances, preparations and mixtures of substances that are not scheduled substances;
 - (iii) substances referred to in subparagraphs (a) (iii), (a) (iv), (a) (vi) and (a) (vii) in homoeopathic form and substances referred to in paragraph (a) (v), including the following substances which may be prescribed and supplied in a dose not exceeding the dose specified below:
 - (aa) Adrenaline (epinephrine): substances containing not more than 5 micrograms thereof per daily dose;
 - (bb) Antimicrobial substances (chemotherapeutic substances, synthesised in nature or the laboratory), substances containing not more than one part per thousand of the relevant daily allopathic dose;
 - (cc) Antimony potassium tartrate and antimony sodium tartrate: substances containing not more than 5 milligrams thereof per daily dose;

- (dd) Arsenic: substances containing not more than 0,5 micrograms of arsenic, calculated as arsenic trioxide, per daily dose;
 - (ee) Belladonna tincture (B.P. 1980): substances containing not more than 0,1 millilitre thereof per daily dose;
 - (ff) Cantharidin: substances containing not more than 60 micrograms thereof per daily dose;
 - (gg) Cresol and phenol: substances containing not more than 1 milligram of any of these substances per daily dose;
 - (hh) Ether (diethyl ether): substances containing not more than 2 millilitres thereof per daily dose;
 - (ii) Radix valerianae and its extracts: substances containing not more than 500 milligram thereof per daily dose;
 - (jj) Rauwolfia serpentina (dry root): substances containing not more than 1,5 milligrams thereof per daily dose; and
 - (kk) Zinc salts (for internal use): substances containing not more than 200 micrograms thereof per daily dose;
- (iv) vitamins;
 - (v) minerals which are not scheduled substances; and
 - (vi) substances referred to in subparagraphs (i), (ii), (iii), (iv) and (v) and water, in an injectable form;
- (c) formulate, compound, prepare, manipulate or dispense-
- (i) substances, preparations and mixtures of substances that are not scheduled substances, and that are recorded in one of the homoeopathic materia medicas, in one of the homoeopathic pharmacopoeias, or any other equivalent homoeopathic or non-homoeopathic standard in homoeopathic form;
 - (ii) substances referred to in paragraph (a) in homoeopathic form;
 - (iii) substances referred to in paragraph (b) in homoeopathic form;
 - (iv) any homoeopathic substance, preparation or mixture of substances or medicines or substances containing homoeopathic substances or any homoeopathic medicine, substance or thing in terms of section 57 (1) (b) of the Medicines and Related Substances Control Act, 1965, or any homoeopathic medicine, substance or thing which falls within the definition of a homoeopathic substance in any homoeopathic dose or strength including but not limited to starting substances.

(It should be noted that Regulation 28(c) will be affected by the provisions of Act 101 as only those professions / practitioners who are holders of a Compound and Dispensing License will be allowed to compound his / her own medicine. Practitioners who only hold a Dispensing License will NOT be allowed to do any compounding of medicine irrespective of the provisions of this section)

CHAPTER 7
PROFESSIONAL PRACTICE

Certificate of indisposition

53. Subject to section 23 of the Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997), a person registered as an acupuncturist, ayurveda practitioner, chiropractor, homoeopath, naturopath, osteopath or phytotherapist in terms of the Act may issue a certificate of indisposition to a patient: Provided that the certificate of indisposition shall contain the following information:....(Detail omitted for purposes of this document)

**Basic Conditions Of Employment Act, 1997
(Act 75 of 1997)**

Proof of incapacity

23. (1) An employer is not required to pay an employee in terms of section 22 if the employee has been absent from work for more than two consecutive days or on more than two occasions during an eight-week period and, on request by the employer, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury.

(2) **The medical certificate must be issued and signed by a medical practitioner or any other person who is certified to diagnose and treat patients and who is registered with a professional council established by an Act of Parliament.**

(3) If it is not reasonably practicable for an employee who lives on the employer's premises to obtain a medical certificate, the employer may not withhold payment in terms of subsection (1) unless the employer provides reasonable assistance to the employee to obtain the certificate.

**Unemployment Insurance Act, 2001
(Act 63 of 2001)
CHAPTER 3
CLAIMING BENEFITS
Part C: Illness benefits**

Right to illness benefits

20 (2) A contributor is not entitled to illness benefits

- a) if the period of illness is less than 14 days; and
- b) for any period during which the contributor
 - (i).....
 - (ii) without just reason, refuses or fails to undergo medical treatment or to carry out the instructions of a medical practitioner, chiropractor or **homeopath**.

ADDENDUM A...p.16 to p.19

ADDENDUM A

Medicines And Related Substances Control Act 101 of 1965

Extracts relating to persons registered under the Allied Health Professions Act, 1982 (Act 63 of 1982), but more specifically those registered as "Practitioners" as defined (acupuncturist, ayurveda practitioner, chiropractor, homoeopath, naturopath, osteopath or phytotherapist).

It should be noted that only the empowering sections have been included for purposes of this specific document as it relates to the Scope of Practice of persons registered as "Practitioners" under the Allied Health Professions Act. The whole of the Medicines and Related Substances Control Act and the Regulations thereto should be read, as the conditions (excluded from the empowering sections below) are most important.

It should also be noted from the various section below, that only those persons registered as "Practitioners" as defined in terms of the Allied Health Professions Act, 1982, may prescribe medicines. (See the definition of "sell" and Section 22A(14)(b) and the definition of "authorised prescriber" in this respect)

1. Definitions

'practitioner' means a person registered as such under the Allied Health Professions Act, 1982 (Act 63 of 1982);

'Scheduled substance' means any medicine or other substance prescribed by the Minister under section 22A;

'sell' means sell by wholesale or retail and includes import, offer, advertise, keep, expose, transmit, consign, convey or deliver for sale or authorise, direct or allow a sale or prepare or possess for purposes of sale, and barter or exchange or supply or dispose of to any person whether for a consideration or otherwise; and 'sale' and 'sold' have corresponding meanings;

14. Prohibition on the sale of medicines which are subject to registration and are not registered

- (1) Save as provided in this section or sections 21 and 22A, no person shall sell any medicine which is subject to registration by virtue of a resolution published in terms of subsection (2) unless it is registered.
- (4) The provisions of subsection (1) shall not apply in respect of the sale of any medicine-
 - (a) compounded in the course of carrying on his or her professional activities by a pharmacist, veterinarian or person who is the holder of a license contemplated in section 22C (1) (a), for a particular patient in a quantity not greater than the quantity required for treatment as determined by the medical practitioner, pharmacist, practitioner or veterinarian; or
 - (b) compounded by a pharmacist in a quantity not greater than that prescribed by regulation for sale in the retail trade, subject to the conditions likewise prescribed or in a quantity for a particular person or animal as prescribed by a medical practitioner or a dentist or a veterinarian or a practitioner or a nurse or other person registered under the Health Professions Act, 1974, and referred to in section 22A, as the case may be,

if such medicine does not contain any component the sale of which is prohibited by this Act or any component in respect of which an application for registration has been rejected, and is not or has not been advertised: Provided that the active components of such medicine appear in another medicine which has been registered under this Act.

19. Prohibition on sale of medicines which do not comply with prescribed requirements and furnishing of information regarding medicines to the council

(1) No person shall sell any medicine unless it complies with the prescribed requirements.

20. Publication or distribution of false advertisements concerning medicines

(1) No person shall-

- (a) publish or distribute or in any other manner whatsoever bring to the notice of the public or cause or permit to be published or distributed or to be so brought to the notice of the public any false or misleading advertisement concerning any medicine; or
- (b) in any advertisement make any claim to the effect that the therapeutic efficacy and effect of any medicine is other than that stated by the council in terms of sub-paragraph (ii) of paragraph (a) of section twenty-two or state or suggest that any medicine should be used for a purpose or under circumstances or in a manner other than that stated by the council in terms of sub-paragraph (iii) or paragraph (a) of that section.

22A Control of medicines and Scheduled substances

(1) Subject to this section, no person shall sell, have in his or her possession or manufacture any medicine or Scheduled substance, except in accordance with the prescribed conditions.

(3) Any Schedule 0 substance may be sold in an open shop.

(4) Any Schedule 1 substance shall not be sold-

(a) by any person other than-

(v) a practitioner, nurse or a person registered under the Health Professions Act, 1974, other than a medical practitioner or dentist, who may-

(aa) prescribe only the Scheduled substances identified in the Schedule for that purpose;

(bb) compound and dispense the Scheduled substances referred to in item (aa) only if he or she is the holder of a licence contemplated in section 22C (1) (a);

(5) Any Schedule 2, Schedule 3, Schedule 4, Schedule 5 or Schedule 6 substance shall not be sold by any person other than-

(a) a pharmacist, pharmacist intern or a pharmacist's assistant acting under the personal supervision of a pharmacist, who may sell only Schedule 2 substances without a prescription;

- (b) a pharmacist or a pharmacist intern or pharmacist's assistant acting under the personal supervision of a pharmacist, upon a written prescription issued by an authorised prescriber or on the verbal instructions of an authorised prescriber who is known to such pharmacist;
 - (f) a practitioner, a nurse or a person registered under the Health Professions Act, 1974, other than a medical practitioner or dentist, who may-
 - (i) prescribe only the Scheduled substances identified in the Schedule for that purpose;
 - (ii) compound and dispense the Scheduled substances referred to in subparagraph (i) only if he or she is the holder of a licence contemplated in section 22C (1) (a):
- (6) Any sale under subsection (5) shall only take place on condition that-
- (h) where a Schedule 5 substance is used for-
 - (i) its anxiolytic, antidepressant or tranquillising properties it shall not be prescribed for longer than six months unless the authorised prescriber has consulted a registered psychiatrist, or, in the case of a psychiatrist, another psychiatrist before issuing a new prescription;
 - (ii) its analgesic properties it shall not be prescribed for longer than six months unless the authorised prescriber has consulted another medical practitioner, before issuing a new prescription;
 - (i) in the case of a Schedule 6 substance, it shall not be repeated without a new prescription being issued;
 - (j) in an emergency in which the health or life of a patient is at stake, a pharmacist engaged in wholesale practice may, on receipt of a telephonic or telefaxed or other electronic request, supply a Schedule 6 substance to a pharmacist, medical practitioner, dentist, veterinarian, practitioner, nurse or other person registered under the Health Professions Act, 1974, without a written order:

Provided that-

 - (i) it shall be the responsibility of such pharmacist, medical practitioner, dentist, veterinarian, practitioner, nurse or other person to ensure that such pharmacist receives a written order within seven days.
 - (k) in an emergency a pharmacist may sell any Schedule 5 or Schedule 6 substance in a quantity not greater than that required for continuous use for a period of 48 hours, on the verbal instructions of a medical practitioner, dentist, veterinarian, practitioner, nurse or other person registered under the Health Professions Act, 1974, who is known to such pharmacist, but the prescriber who has given such verbal instructions shall within 72 hours after giving such instructions furnish to such pharmacist a written prescription confirming the instructions;
 - (l) in an emergency a pharmacist may sell a Schedule 2, Schedule 3 or Schedule 4 substance on a non-recurring basis for a period not exceeding 30 days in accordance with the original prescription in order to ensure that therapy is not

disrupted if he or she is satisfied that an authorised prescriber initiated the therapy, with the intention that the therapy be continued, and that the particulars of such sale are recorded in a prescription book or other prescribed permanent record;

- (8) Subject to subsection (9), a Schedule 8 substance shall not be acquired by any person other than the Director-General for the purpose of providing a medical practitioner therewith, on the prescribed conditions, for the treatment of a particular patient of that medical practitioner upon such conditions as the Director-General, on the recommendation of the council, may determine.
- (9) (a) No person shall-
- (i) acquire, use, possess, manufacture, or supply any Schedule 7 or Schedule 8 substance, or manufacture any specified Schedule 5 or Schedule 6 substance unless he or she has been issued with a permit by the Director-General for such acquisition, use, possession, manufacture, or supply: Provided that the Director-General may, subject to such conditions as he or she may determine, acquire or authorise the use of any Schedule 7 or Schedule 8 substance in order to provide a medical practitioner, analyst, researcher or veterinarian therewith on the prescribed conditions for the treatment or prevention of a medical condition in a particular patient, or for the purposes of education, analysis or research;
 - (ii) manufacture, use or supply any Schedule 5 or Schedule 6 substance for other than medicinal purposes, unless he or she has been issued by the Director-General with a permit for such manufacture, use or supply upon the prescribed conditions.
- (10) Notwithstanding anything to the contrary contained in this section, no person shall sell or administer any Scheduled substance or medicine for other than medicinal purposes: Provided that the Minister may, subject to the conditions or requirements stated in such authority, authorise the administration outside any hospital of any Scheduled substance or medicine for the satisfaction or relief of a habit or craving to the person referred to in such authority.
- (14) Notwithstanding anything to the contrary contained in this section-
- (a) a pharmacist's assistant shall not handle any specified Schedule 5 or Schedule 6 substance except as contemplated in subsection (5) (a) and (b); and
 - (b) no nurse or a person registered under the Health Professions Act, 1974, other than a medical practitioner or dentist, may prescribe a medicine or Scheduled substance unless he or she has been authorised to do so by his or her professional council concerned.
- (16) Notwithstanding anything to the contrary contained in this section-
- (a) any person may possess a Schedule 0, Schedule 1 or Schedule 2 substance for medicinal purposes;
 - (b) any person may possess a Schedule 3, Schedule 4, Schedule 5 or Schedule 6 substance if he or she is in possession of a prescription issued by an authorised prescriber;

- (c) any medicine or scheduled substance may be possessed by a medical practitioner, dentist, veterinarian, practitioner, nurse or other person registered under the Health Professions Act, 1974, or under the Veterinary and Para-Veterinary Professions Act, 1982, for the purposes of administering it in accordance with his or her scope of practice;
 - (d) any medicine or scheduled substance may be possessed for sale by a pharmacist, a person licenced to own a pharmacy in terms of the Pharmacy Act, 1974, or a person who is the holder of a licence as contemplated in section 22C.
- (17) For the purposes of this section-
- (a) **'authorised prescriber'** means a medical practitioner, dentist, veterinarian, practitioner, nurse or other person registered under the Health Professions Act, 1974; and
 - (b) **'medicinal purpose'** means for the purposes of the treatment or prevention of a disease or some other definite curative or therapeutic purpose, but does not include the satisfaction or relief of a habit or craving for the substance used or for any other such substance, except where the substance is administered or used in a hospital or similar institution maintained wholly or partly by the Government or a provincial government or approved for such purpose by the Minister.

ADDENDUM B

For the sake of clarity it should be noted that the following medicines all fall within the Scope of Practice of Homoeopathic Practitioners and are to be Prescribed, Compounded and Dispensed by Registered Homoeopathic Practitioners ;

All Homoeopathic substances listed with the Medicines Control Council as part of the Listing System,

All products registered with the MCC as Homoeopathic Medicine, including -

All Heel Products (marketed under the pseudonym Homotoxicology™);

All Reckeweg Products;

All Natura Homoeopathic Products - including spagerics and Gemmo's;

All W.Last Homoeopathic Products;

All Pharma Natura Homoeopathic Products;

All A.White Pharmacy's Homoeopathic Products; and

All other Homoeopathic Products from any other Company not mentioned above.

The Scope and Field of Practice of Homoeopathy include terms and practices such as anthroposophy, antihomotoxic therapy, antipraxy, anti-taxic, taxic or biphasic drug action therapeutics, autohaemic therapy, autoisopathy, autonosodology, bowel nosodology, classical, clinical, constitutional, complex, modern homoeopathy, doctrine of signatures, drainage therapy, empiricism, etiotropism, gemmotherapy, histiotropism, holism, homoeopathic diagnostics, homoeopathicity, homoeopathic immunotherapy, homoeopathic individualisation, homoeopathic prophylaxis, Homotoxicology, inimical drug action, isopathy / isotherapy, miasmatic theory, nosode therapy, organotherapy, organotropism, pathogenesis, pathological prescribing, phenomenology, polypragmasy / polypharmacy or pluralistic homoeopathy, similia principle, homoeopathic symptomatology, Scheussler / Tissue Salts, typology, tautopathy, unicistic homoeopathy, etc.