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## GOVERNMENT NOTICE

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### DEPARTMENT OF HEALTH

No. R. 218

22 March 2013

#### MEDICINES AND RELATED SUBSTANCES ACT, (ACT NO. 101 OF 1965)

#### REGULATIONS RELATING TO A TRANSPARENT PRICING SYSTEM FOR MEDICINES AND SCHEDULED SUBSTANCES: DISPENSING FEE FOR PHARMACISTS

The Minister of Health intends, in terms of section 22G (2) (b) of the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965), on recommendation of the Pricing Committee to make the regulations in the Schedule.

Interested persons are invited to submit substantiated comments on the proposed regulations or any representations they may wish to make in regard thereto, within four weeks of publication of this notice to: The Director-General: National Department of Health, for attention of the Director: Pharmaceutical Economic Evaluations Directorate; Room S2610 South Tower, Civitas Building Corner Thabo Sehume & Bloed Streets.

#### SCHEDULE

##### Definitions

1. In this schedule "the Act" means the Medicines and Related Substances Act, 1965 (Act No. 101 of 1965) and any word or expression to which a meaning has been assigned in the Act shall have such meaning and, unless the context indicates otherwise-

"**dispense**" means the supply of medicines based on a prescription to a patient or someone on behalf of the patient by a health professional authorized by law to supply medicines and includes-

- (a) the interpretation and evaluation of the prescription;
- (b) the selection, reconstitution, dilution, labelling, recording and the actual supply of the medicine;
- (c) the provision of information and instructions to ensure safe and effective use of a medicine by a patient; or
- (d) the provision of information as contemplated in section 22F (1) (a) of the Act.

**“dispensing fee”** means a fee determined in terms of these regulations, exclusive of Value Added Tax, that may be charged to dispense a medicine; and

**“the Regulations”** means the Regulations Relating to the Transparent Pricing System for Medicines and Scheduled Substances published under government Notice No. R1102 of November 2005 as amended.

#### **Amendment of Regulation 10**

2. The following regulation is hereby substituted for regulation 10 of the regulations:

“10. (1) The appropriate dispensing fee as contemplated in section 22G (2) (b) of the Act to be charged by pharmacists, must:

- (a) where the single exit price of a medicine or scheduled substance is less than eighty one rand, the dispensing fee shall not exceed R6.30 plus 46 % of the single exit price in respect of that medicine or scheduled substance;
- (b) where the single exit price of a medicine or scheduled substance is greater than or equal to eighty one rand but less than two hundred and sixteen rand, the dispensing fee shall not exceed R16.00 plus 33 % of the single exit price in respect of that medicine or scheduled substance;
- (c) where the single exit price of a medicine or scheduled substance is greater than or equal to two hundred and sixteen rand but less than seven hundred and fifty six rand, the dispensing fee shall not exceed R52.00 plus 15 % of the single exit price in respect of that medicine or scheduled substance;

- (d) where the single exit price of a medicine or scheduled substance is greater than or equal to seven hundred and fifty six rand, the dispensing fee shall not exceed R123.00 plus 5% of the single exit price in respect of that medicine or scheduled substance.
- (2) The provisions of sub-regulation (1) must be reviewed annually by the Minister after taking into account-
- (a) the need to ensure the availability and affordability of quality medicines and scheduled substances in the Republic;
  - (b) annual inflation rates published periodically by Statistics South Africa;
  - (c) information supplied by pharmacists in accordance with guidelines determined by the Minister from time to time by Notice in the Gazette; and
  - (d) any other information the Minister may deem necessary to consider.
- (3) A pharmacist dispensing a medicine must-
- (a) by means of a clearly displayed notice in the pharmacy, inform members of the public of the maximum fee structure used by such pharmacist to determine the dispensing fee; and
  - (b) provide an invoice in respect of the sale of each medicine that clearly indicates the-
    - (i) dispensing fee charged; and
    - (ii) the single exit price.



**DR A MOTSOLEDI, MP**  
**MINISTER OF HEALTH**

DATE: 10/3/2013