



# THE SOUTH AFRICAN SOCIETY OF OCCUPATIONAL HEALTH NURSING PRACTITIONERS

**7 September 2009**

**Dear SASOHN Members**

**Attached please find the Position Paper on the prescribing and dispensing practices of registered nurses in accordance with the provisions of the Medicines and Related Substances Act No.101 of 1965, as amended and the Nursing Act No.33 of 2005.**

**The position paper has raised a few pertinent issues and the Executive will investigate the possibility of a further position paper/ guideline on specific issues regarding the sale and dispensing of medicines. Please note that the aim of the paper is to inform members in full of the provisions of the applicable legislation and you are urged to comply with the conditions of your dispensing licence, the Nursing Act and Scope of Practice.**

**In the last month I have become aware of instances where members are expected to dispense prescriptions of medical practitioners who do not have dispensing licenses themselves. It is imperative that both OMP's and OHNP's familiarise themselves with the conditions of the dispensing licence.**

**The SASOHN Executive is still attempting to set up a meeting with the Department of Health in order to clarify issues that members have raised in the past. There has been a turnover of staff at the Licensing Unit and hopefully a meeting can be set up in the near future.**

**Please feel free to contact me if you have any problems.**

**Kind Regards**

**Sonja**

**SASOHN President**



# THE SOUTH AFRICAN SOCIETY OF OCCUPATIONAL HEALTH NURSING PRACTITIONERS

**September 2009**

## **The prescribing and dispensing practices of registered nurses in accordance with the provisions of the Medicines and Related Substances Act No. 101 of 1965, as amended ("the Medicines Act") and the Nursing Act No. 33 of 2005 ("the Nursing Act")**

- 1 This position paper deals as comprehensively as possible with the provisions of the Medicines & Related Substances Act No. 101 of 1965, as amended, as these provisions apply to registered nurses. To this end, this position paper should not be construed as advice to any registered nurse in circumstances where such a registered nurse is not entitled to sell a medicine by virtue of the provisions of the Medicines Act. The sale of medicines is carefully controlled in terms of South African law. Only persons with the applicable qualifications or licences or both, as the case may be, may sell registered medicines. In so far as you are uncertain of whether or not you are entitled to sell registered medicines or Scheduled substances, as the case may be, kindly contact this office immediately.
- 2 Subject to what is stated above in paragraph 1, sections 22A(4)(v) and 22A(5)(f) read together with section 22A(14)(b) of the Medicines Act provide that Schedule 1, 2, 3, 4, 5 and 6 substances may be sold by a registered nurse, who may –
  - 2.1 only prescribe the Scheduled substances identified in the specific Schedule for that particular purpose. A registered nurse must, however, obtain prior authorisation from the South African Nursing Council ("the Nursing Council") in order to be able to prescribe these Scheduled substances. This authorisation is obtained from the Nursing Council in accordance with the provisions of section 56(1) of the Nursing Act, which is dealt with in detail below; and
  - 2.2 compound and dispense the Scheduled substances only if he or she has the requisite dispensing licence to do so. A registered nurse must apply to the Director-General of the Department of Health ("the Director-General") in terms of section 22C of the Medicines Act in order to acquire a dispensing licence. The Director-General will only issue a dispensing licence to the registered nurse once the nurse has –
    - 2.2.1 made payment of the prescribed fee for this licence; and
    - 2.2.2 successfully completed a supplementary course determined by the South African Pharmacy Council ("the Pharmacy Council") after consultation with the Health Professions Council of South Africa, the Allied Health Professions Council of South Africa and the Nursing Council.
- 3 If a registered nurse wants to prescribe and dispense Schedule 7 and Schedule 8 substances, he or she will need to apply to the Director-General for a special permit to do so.
- 4 Section 56(1) of the Nursing Act provides that the Nursing Council may register a nurse to "assess, diagnose, prescribe treatment, keep and supply medication for prescribed illnesses and health-related conditions if such person –
  - (a) provides proof of completion of the prescribed qualification and training;



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- (b) pays the prescribed registration fee; and
- (c) complies with section 56(6) of the Nursing Act".
- 5 In terms of section 56(6) of the Nursing Act, a registered nursing practitioner is only permitted to prescribe medicines and Scheduled substances to employees in on-site clinics if -
- 5.1 he or she has been authorised to do so by the medical practitioner who is in charge of the specific on-site clinic.<sup>1</sup> The medical practitioner is required to have consulted with the Nursing Council prior to the issue of such an authorisation to the registered nurse. The medical practitioner is required to complete an authorisation form which permits the specific nurse to diagnose and prescribe medicines for the specific treatment protocols that have been indicated by the medical practitioner on the form; and
- 5.2 only if the medical practitioner is not personally available at the on-site clinic in order to diagnose the patient and prescribe and dispense the requisite medicines (provided the medical practitioner is in possession of a dispensing license).
- 6 In light of all the information that is set out above, the permitted prescribing and dispensing practices of registered nurses in accordance with all the relevant legislation, may be summarised as follows -
- 6.1 a registered nurse must obtain **authorisation** from the **medical practitioner** who is **in charge** of a specific on-site clinic in order to be able to prescribe Schedule 1, 2, 3, 4, 5 and 6 medicines. The medical practitioner must complete a specific authorisation form in respect of the **specific treatment protocols** for which a particular nurse is permitted to prescribe medicines. **The registered nurse may only prescribe the specific medicines if the medical practitioner is not personally available at the on-site clinic to diagnose the patient and prescribe and dispense the requisite medicine him or herself;**
- 6.2 if a registered nurse wants to prescribe and dispense Schedule 7 and Schedule 8 substances, he or she will need to apply to the Director-General for a special permit to do so;
- 6.3 in order to be permitted to dispense Schedule 3, 4, 5 and 6 medicines, a registered nurse must obtain a **dispensing licence** from the Director-General in terms of section 22C(1)(a) of the Medicines Act. A nurse will be able to obtain this dispensing licence once he or she has paid the prescribed fee and completed the requisite supplementary course which is determined by the Pharmacy Council after consultation with the Health Professions Council of South Africa, the Allied Health Professions Council of South Africa and the Nursing Council.
- 6.4 **A nurse may only dispense his/ her own prescription.**

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<sup>1</sup> On the assumption that the reference to "organisation" in section 56(6) is to the clinic *per se* on site as opposed to the company or juristic person on whose site the clinic is established.



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- 7 When a nurse applies to the Director-General for the dispensing licence, he or she must include the following information in the application -
  - 7.1 his or her name and his or her residential and business addresses;
  - 7.2 the exact location of the premises from where he or she will be compounding and/or dispensing medicines;
  - 7.3 his or her telephone and telefax numbers;
  - 7.4 proof that he or she is registered with the Nursing Council;
  - 7.5 proof that he or she has published a notice in a local newspaper circulating in the area where he or she intends to dispense medicines advising of his or intention to apply for the licence;
  - 7.6 motivation as to the need for a licence in a particular area;
  - 7.7 proof that the nurse is able to supply patient information leaflets to patients; and
  - 7.8 any other information that the Director-General may require.
- 8 Accordingly, in light of the information that a registered nurse is required to supply to the Director-General when applying for a dispensing licence, particularly the exact location of the premises from where he or she will be dispensing medicines together with a motivation as to the need for a licence in a particular area, the dispensing licence that is issued to a particular nurse by the Director-General is linked to and is only valid in respect of the specific premises from where the nursing practitioner will be dispensing medicines.
- 9 We reiterate that the sale of registered medicines and Scheduled substances remains carefully controlled in terms of the Medicines Act. In so far as you are uncertain of the activities that you perform and require clarification in respect of whether or not such activities amount to the sale of registered medicines or Scheduled substances or both, as the case may be, and you are not certain of your legal status in this regard, kindly contact this office immediately.

## **NOTE**

SASOHN will investigate the possibility of a further position paper in respect of issues concerning the dispensing and sale of registered medicines and scheduled substances.

Sonja Kruger  
SASOHN President