

SA still has a way to go in healthcare legislation

9 May 2016

Despite the considerable progress made to deliver quality healthcare to all South Africans, the country's medical policies and legislation are still being hamstrung by red tape.

In the 19th edition of the *South African Health Review* (published by Health Systems Trust), Andy Gray and Professor Yousuf Vawda from the University of KwaZulu-Natal unpick what's really happening in terms of South Africa's healthcare laws.

NHI White Paper

They point out that although the long-awaited National Health Insurance (NHI) White Paper was released, related funding and policy issues lack detail and finalisation. "The health policy and legislation arena has been dominated in 2015/2016 by the release, after much delay, of the White Paper on NHI. Although a White Paper is expected to provide finality on a policy in a manner which is ready for implementation, including the development of any necessary legislation, the NHI document leaves many questions unanswered," they say.

The need for major changes to existing legislation is signalled in the White Paper, but few details are provided on exactly how those changes might be made. In addition to changes to the National Health Act and the Medical Schemes Act, and perhaps even the Constitution, the possibility of a new NHI Act is also floated.

Medicines and related substances

They also say secondary (regulations) and tertiary (guidelines) legislation for the Medicines and Related Substances Amendment Acts of 2008 and 2015 still needs to be developed for promulgation.

Health Products Regulatory Authority

The Office of Health Standards Compliance and the South African Health Products Regulatory Authority are yet to be fully operationalised, with the latter not expected to come into operation before 2017. When it does, it will face not only the backlog in registration applications for medicines that is the legacy of the Medicines Control Council, but will also have to complete and entrench the effective regulation of complementary medicines and medical devices.

National Health Laboratory Service Act

They also note that while draft bills to amend the National Health Laboratory Service Act and to create a new National Public Health Institute of South Africa have been prepared, neither has yet been tabled in Parliament.

Health Professions Council of South Africa

While there have been strident calls for a fundamental redesign of the Health Professions Council of South Africa in order to create an independent, self-regulatory council for the medical and dental professions, it is unclear whether these calls will be heeded.

Medical Innovation Bill

The Medical Innovation Bill, one of the few private member's bills to be tabled - by late IFP MP, Mario Oriani-Ambrosini, to among other things legalise marijuana for medicinal purposes - still languishes in parliament.

Source: Bizcommunity.com