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# GOVERNMENT NOTICE

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## DEPARTMENT OF HEALTH

No. R. 1090

19 November 2010

### MEDICINES AND RELATED SUBSTANCES ACT, 1965

#### REGULATIONS RELATING TO A TRANSPARANT PRICING SYSTEM FOR MEDICINES AND SCHEDULED SUBSTANCES: AMENDMENT

#### (DISPENSING FEE FOR PHARMACISTS)

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

### SCHEDULE

#### Definitions

1. In these regulations 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, labeling, 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 on the interchangeable multi-source medicine or scheduled substance available in the market with the lowest single exit price.

**“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 pharmacist, must-

(a) where the single exit price of a medicine or scheduled substance is less than seventy five rand, not exceed R6 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 seventy five rand but less than two hundred rand, not exceed R15.75 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 rand but less than seven hundred rand, not exceed R51 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 rand, not exceed R121 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;

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(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.

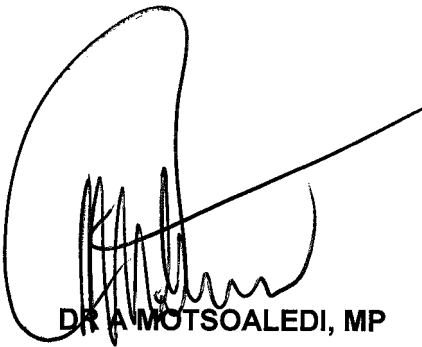
(3) A pharmacist dispensing a medicine must-

(a) by means of a clearly displayed notice in the pharmacy, inform members of the public using the pharmacy of the maximum fee structure used by such pharmacist to determine the dispensing fee; and

(b) provide an invoice that in respect of each medicine clearly indicates-

(i) the dispensing fee charged; and

(ii) the single exit price.

A handwritten signature in black ink, consisting of a large, sweeping initial 'M' followed by several vertical strokes and a wavy line at the bottom. A long horizontal line extends from the right side of the signature.

**DR A MOTSOLEDI, MP**

**MINISTER OF HEALTH**

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