



## South African Health Review 2018 Series

### Chapter 1. Health Legislation and Policy

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- No new health-related primary legislation has been enacted since the 2015 amendment to the Medicines and Related Substances Act.
- Two Bills are in the process of being considered by Parliament: the National Health Laboratory Service Amendment Bill (Bill 15 of 2017) and the National Public Health Institute of South Africa Bill (Bill 16 of 2017).
- Three draft Bills have been published for comment: the draft Control of Tobacco Products and Electronic Delivery Systems Bill, the draft National Health Insurance Bill and the draft Medical Schemes Amendment Bill.
- The draft National Health Insurance Bill proposes the establishment of a National Health Insurance Fund and also includes proposed amendments to 10 other existing Acts.
- The Competition Commission published its provisional findings and recommendations of the Market Inquiry into the Private Healthcare Sector in June 2018, making wide-ranging proposals for reform of the private sector.
- The finalisation of regulations to accompany the National Health Act continues apace, although key provisions of that Act, such as the certificate of need, remain unimplemented.
- Most of the statutory health councils have issued subordinate legislation related to the regulation of specific professions, but key gaps remain, most notably the lack of updated regulations on prescribing by nurses.
- The transformation of the Medicines Control Council into the South African Health Products Regulatory Authority has commenced, but faces considerable challenges.
- Phase 1 of the Intellectual Property Policy of the Republic of South Africa will focus on pharmaceutical patents, but no proposed amendments to the Patents Act have yet been announced.
- The Life Esidimeni tragedy can be viewed as an existential test to the National Health Act, the Office of Health Standards Compliance and the Health Ombud, and has underscored the need for change in the culture of service in certain sectors of the country's health services, as well as stringent adherence to, and enforcement of, their constitutional obligations by all service providers.

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