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CONTENTS • INHOUD

GOVERNMENT NOTICE

DEPARTMENT OF HEALTH

No. R. 1044 **14 December 2011**

SOUTH AFRICAN NURSING COUNCIL
NURSING ACT, 2005 (ACT NO. 33 OF 2005)

REGULATIONS RELATING TO THE KEEPING, SUPPLY, ADMINISTERING, PRESCRIBING OR DISPENSING OF MEDICINE BY REGISTERED NURSES

The Minister of Health intends to, after consultation with the South African Nursing Council, in terms of section 58(1)*(s)* read with section 56 of the Nursing Act, 2005 (Act No. 33 of 2005), make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in writing on the proposed regulations to the Director-General: Health, Private Bag x828, Pretoria, 0001 (for attention of the Director: Public Entities and Management) within three months from date of publication of this notice.

SCHEDULE

Definitions

1. In this Schedule, and any word or expression to which a meaning has been assigned in the Act shall have that meaning, unless the context otherwise indicates—

"Authorization" means the written authorization issued by the authorizing person in terms of section 56(6) of the Act;

"council" means the South African Nursing Council established in terms of section 2 of the Act;

"Department" means the National Department of Health;

"Medicines Act" means the Medicines and Related Substances Act, 1965 (Act 101 of 1965) as amended;

"nurse" means a person registered in a category of professional nurse or midwife in terms of section 31 (1) of the Act;

"re-packed form" means packaging of prescribed medicine prepacked from bulk for the immediate use of a patient;

"section" means a section of the Act;

"the Act" means the Nursing Act, 2005 (Act No. 33 of 2005);

"The authorizing person" means the Director General of the National Department of Health, the relevant head of the provincial department of health, the medical officer of health of the municipality or the medical practitioner in charge of a relevant organization which renders a health service and which is designated by the Director-General, as specified under section 56(6);

Power to keep, supply, administer, prescribe or dispense medicine

2. An authorized nurse must, subject to the provisions of section 56(6) and conditions listed in regulation 3, read in conjunction with the South African Nursing Council guidelines as published in the Government Gazette keep, supply, administer, prescribe or dispense any medicine or substance listed in the authorization.

Conditions under which a nurse may obtain authorization to keep, supply, administer, prescribe, or dispense medicine

3. .Any nurse who intends to keep, supply, administer, prescribe or dispense for medicine or a substance listed in the authorization shall apply in writing to the

authorizing person, and submit with his or her application, the following information:

(a) his or her full name, surname, identity number, council reference number and proof of current registration with the Council;
(b) proof of payment as outlined in section 56(1)
(c) a certificate of good standing with the Council;
(d) evidence of requisite training and competency achieved;
(e) the protocols that will be followed as approved by the Department;
(f) the physical address of the premises wherein or from which the nursing services are to be rendered

Dispensing of Medicines

4. (1) Any nurse who intends to dispense medicine in terms of section 56(5) (b), must apply to be issued with a registration certificate by the Council if she or he—

(a) Holds a relevant qualification in terms of section 56(1) of the act;
(b) Has successfully completed a relevant dispensing course that is accredited by the South African Pharmacy Council
(c) Is in possession of a permit or authorization issued by the authorizing person

(2) such person must comply with any other requirements as may be determined and gazetted by the Council from time to time

5. The authorizing person may, upon receipt of such application and after making such enquiries as he or she may deem necessary, issue the authorization including the specified treatment protocols provided that he or she is satisfied that the application meets the requirements of the Act and these regulations.

6. The authorization referred to in regulation 4 shall contain the following information—

(a) authorization number;
(b) the date of authorization;

(c) the applicant's full name, surname, identity number and Council's reference number ;

(d) the treatment protocols that will be followed as approved by the department;

(e) the physical address of the premises wherein or from which the nursing services are to be rendered;

(f) the full name, surname, qualifications and official designation of the authorizing person;

7. The authorization shall be issued in the form as determined by the Director-General of the Department.

8. The nurse shall at all times, at the request of any person duly authorized by the Director-General or his designate or the council for purposes of inspection, produce the authorization.

9. The authorizing person may at any time, by notice to the nurse concerned cancel, withdraw or amend the authorization.

10. The authorizing person shall—

(a) keep a register of all authorizations issued to nurses;

(b) inform the Registrar of the Council before the end of March each year of—

(i) the full names, addresses, identity numbers and Council reference numbers of all nurses to whom the authorizations have been issued; and

(ii) full names, addresses, identity numbers and Council reference numbers of every nurse whose authorization has been cancelled, withdrawn or amended together with the reasons for such action.

11. An authorization issued in terms of these regulations shall be valid for a period of five years from the date of issue unless cancelled or withdrawn and may be renewed on application by the holder thereof.

12. An authorisation may be amended within its period of validity by the authorizing person.

13. An authorized nurse who supplies, administers and prescribes a Medicine listed in schedule 1 to 6 of the Medicines Act to a patient in terms of these regulations shall—

(a) directly after supply, administering or prescribing, enter on the patients file or treatment record, as the case may be—

(i) the diagnosis made by the nurse in respect of the health condition of the patient;

(ii) the relevant protocol in terms of which such medicine is listed;

(iii) the name, strength, dosage, route of administration and total quantity of the medicine supplied, administered or prescribed as the case may be;

(iv) the date of supply, or prescribing, and the time of administering; and

(v) his or her full name in block letters, qualifications, authorization number as well as his or her signature.

(b) record all the particulars of every prescription in a prescription book or permanent record

(c) ensure, that, in the case where such medicine is supplied to a patient, the medicine is in an original or in a repacked form and the container in which the medicine is supplied is labelled with—

(i) the name, quantity, dosage and strength of medicine;

(ii) the date of dispensing;

(iii) directions and the manner in which such medicine shall be used;

(iv) the name of the patient and his or her file or treatment record number; as the case may be;

(v) the name and address of the body which supplies the medicine;

Conditions under which a nurse may keep, supply, administer and prescribe medicine or substance referred to in a specified schedule 5 or schedule 6 of the Medicines Act

14. In addition to the conditions set out above, when prescribing medicine or substance referred to in a specified schedule 5 or schedule 6 of the Medicines Act, the following conditions shall apply—

(a) all the particulars of prescription shall be recorded in a register which must indicate the quantity of every such medicine or substance remaining in stock on the last day of March, June, September and December of each year;

(b) the date in which the medicine or substance was received or supplied;

(c) the name and business address of the person from whom the medicine or substance was received;

(d) the name and address of the person who purchased the medicine or substance;

(e) in the case of the supply of the medicine or substance on prescription, the name and address of the person authorized to prescribe such medicine or substance;

(f) the quantity, in words and figures, of such medicine or substance indicated per dosage unit, mass or volume;

(g) in case where an electronic register is kept, a hard or soft copy must be made monthly, dated, signed, filed and kept;

(h) The register referred to must be kept for a period of five years after the date of the last entry made therein;

(i) records must be stored in an orderly manner so that they can be accessed easily;

(j) the supply of medicine or substance shall not be repeated without a new prescription being issued;

(k) each prescription shall be for a quantity not exceeding thirty days continuous use at the dose prescribed;

Transitional arrangements

15. Nurses authorized in respect of specific protocols in terms of section 38A of the Nursing Act (Act 50 of 1978) shall continue to be authorized for those protocols for a period of two years after the promulgation of these regulations.

Repeal

16. The following regulations published in the Gazette are hereby repealed:

Government Notice No	Date of Publication	Extent
R.2418	2 November 1984	The whole

Short title

17. These Regulations are called Regulations Relating to Keeping, Supply, Administering, Prescribing or Dispensing of Medicine by Registered Nurses, made in terms of the Nursing Act, 2005 (Act No. 33 of 2005).

DR A MOTSOALEDI, MP
MINISTER OF HEALTH
DATE: 14/11/2011