



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Allied Health Professions Act 7 of 2004
section 55

Regulations Relating to Scope of Practice of Phytherapists

Government Notice 212 of 2015

(GG 5831)

came into force on date of publication: 16 September 2015

ARRANGEMENT OF REGULATIONS

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Definitions

1. In these regulations a word or an expression to which a meaning has been given in the Act has that meaning, and unless the context otherwise indicates -

“complementary medicine” means a complementary medicine as defined in section 1 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003);

“compounding” means the combining or mixing of substances or medicines;

“dispensing” means the issuing, interpretation and evaluation of a prescription, the selection, manipulation, preparation, recording and compounding of the medicine, the labeling and supplying of medicines in an appropriate container and the provision of information and instructions to ensure the safe and effective use of a medicine by a patient;

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“formulate”, in relation to the making of a medicine consisting of constituents or substances whether used alone or in combination, means to calculate or determine constituents or substances and the quantities and strengths of the constituents or substances, including the process of preparing or combining the constituents or substances or medicine and the calculation or determination of the dosage of that medicine;

“medicine” means a substance or mixture of substances intended to be used by, or administered to, human beings for the purposes of -

- (a) treating, preventing or alleviating symptoms of disease, abnormal physical or mental states or the symptoms thereof
- (b) diagnosing disease or ascertaining the existence, degree or extent of a physical condition; or
- (c) preventing or interfering with the normal operation of physiological function, whether permanently or temporarily;

“prepare” means to make, change, adapt or manipulate a substance or medicine or to put together or to make ready by combining of various elements, substances or ingredients;

“schedule substance” means the schedule substance as defined in section 1 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003);

“substances” means anything which, whether used alone or in combination in either its original state or in compounded, manipulated or prepared form, constitutes a medicine or forms part of a medicine or which is a basic or starting substance; and

“the Act” means the Allied Health Professions Act, 2004 (Act No. 7 of 2004).

Scope of practice of Phytotherapist

2. (1) Phytotherapy is a system of healing, treating of diseases and promoting health in which neither surgical nor medical agents are used but which is based on the use of -

- (a) remedies solely derived from plants or parts of plants; or
- (b) vitamins, minerals, dietary advice or dietary supplementation,

for the treatment of a physical defect, illness or deficiency in a person.

- (2) A phytotherapist may -
 - (a) diagnose and treat or prevent a physical or mental disease, illness or deficiencies in a person;
 - (b) prescribe or dispense medicine and complementary medicine;
 - (c) provide or prescribe treatment for diseases, illnesses or deficiencies in a person;
 - (d) physically examine any person for the purpose of diagnosing any physical defect, illness or deficiency in that person; or

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- (e) treat or prevent any physical defect, illness or deficiency in any person.

Remedies used by phytotherapist

3. (1) Subject to the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003), a phytotherapist may have in his or her possession or have under his or her control and may prescribe or supply to a patient -

- (a) vitamins and vitamin supplements;
- (b) mineral and mineral supplements;
- (c) substances that are obtained solely from plants, that are not prepared in accordance with homoeopathic pharmacological principles and that are not scheduled substances;
- (d) the following scheduled substances that are obtained solely from plants and that are not prepared in accordance with homoeopathic pharmacological principles -
 - (i) alkaloids and glycosides;
 - (ii) all poisonous alkaloids and glycosides that are not specified as schedule substances containing not more than one part per thousand of the alkaloids and glycosides but excluding the alkaloids and glycosides referred to in subregulation (2).

(2) The alkaloids and glycosides referred to in subregulation (1)(d)(ii) excludes the following alkaloids and glycosides in the maximum strength where specified -

- (a) aconite tincture (B.P.);
- (b) belladonna tincture (B.P. 1980);
- (c) cocaine substances calculated as cocaine alkaloid;
- (d) gelsemium tincture (B.P.C. 1973);
- (e) ipecacuanha tincture (B.P. 1980);
- (f) sabadilla alkaloids (B.P.C. 1934);
- (g) veratrum tincture (B.P.C. 1934);
- (h) cantharidin;
- (i) digitalis leaf (B.P. 1980);
- (j) hyoscine substances;
- (k) nux vomica;
- (l) opium tincture (Ph.Cx., 11th edition) substances;

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- (m) pilocarpine;
- (n) pygeum africanum (lipidosterolic complex extract thereof);
- (o) rauwolfia serpentina (dry root), (Ph.Cx., 11th edition);
- (p) strophanthus (B.P);
- (q) tubocurarine substances;
- (r) vincamine;

[Inconsistent punctuation in the Government Gazette, as reproduced above.]

(3) Subject to the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003), a phytotherapist may prepare -

- (a) substances, preparations and mixtures of substances that are -
 - (i) not scheduled substances;
 - (ii) obtained solely from plants or parts of plants; and
 - (iii) recorded in a Materia Medica or Herbal Pharmacopeia;
- (b) substances referred to in subregulation (1) and (2), excluding -
 - (i) a basic substance;
 - (ii) a vitamin;
 - (iii) a preparation for injection;
 - (iv) a hormone (synthetic or natural); and
 - (v) an enzyme.

Manufacturing, preparing, storing or displaying of remedies or substances

4. A phytotherapist may compound, dispense or supply medicine that is prescribed by himself or by another phytotherapist with whom he or she is practising in partnership or with whom he is associated as principal or locum tenens, for use by a patient under treatment of that phytotherapist or other phytotherapist, but he or she may not -

- (a) keep an open shop or pharmacy; or
- (b) manufacture, prepare, store or display any remedies or substances in the section of his consulting room which is used -
 - (i) for the consultation, examination or treatment of patients; or
 - (ii) as a waiting room.

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Assessment, evaluation and treatment of patients

5. (1) The assessment and evaluation of a condition of a patient by a phytotherapist may include -

- (a) an assessment of the medical history of the patient and interviewing the patient;
- (b) a full physical examination;
- (c) the determining and preparing of a suitable patient-specific treatment protocol; and
- (d) the maintaining of comprehensive case record regarding the condition and progress of the patient and all actions performed in connection with the patient.

(2) The promotion and maintaining of the health of a patient by a phytotherapist may include -

- (a) ensuring to the hygiene and physical comfort of the patient and reassurance to the patient;
- (b) the promotion of lifestyle changes that may include nutritional advice, exercise, rest and sleep with a view to assist in the rehabilitation of the patient;
- (c) the offering of specific suggestion and recommendation of self care and health maintenance activities including, but not limited to, diet, self-massage, movement, self-administered hydrotherapy application, stress reduction and stress management techniques and stretching activities;
- (d) education leading to the attainment of optimal health for the patient;
- (e) the delivery of emergency first aid treatment, including cardiopulmonary resuscitation, if necessary; and
- (f) the consultation with, referral of the patient to, any other registered person, medical practitioner or dentist registered as such under the Medical and Dental Act, 2004 (Act No. 10 of 2004), pharmacist registered as such under the Pharmacy Act, 2004 (Act No. 9 of 2004) or psychologist registered as such under the Social Work and Psychology Act, 2004 (Act No. 6 of 2004).