



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Health Professions Act 16 of 2024

section 95(10)

Regulations Relating to Scope of Practice of Phytotherapists

Government Notice 327 of 2022

(GG 7934)

came into force on date of publication: 21 October 2022

These regulations were made in terms of section 55 of the Allied Health Professions Act 7 of 2004, which was repealed by the Health Professions Act 16 of 2024. Pursuant to section 95(10) of the Health Professions Act 16 of 2024, they are deemed to have been made under that Act.

The Government Notice which publishes these regulations notes that they were made on the recommendation of the Allied Health Professions Council of Namibia. It also repeals the regulations published in GN 212/2015 (GG 5831).

ARRANGEMENT OF REGULATIONS

1. Definitions
 2. Scope of practice of phytotherapist
 3. Assessment, evaluation and treatment of patients
 4. Remedies used by phytotherapist
 5. Manufacturing, preparing, storing or displaying of remedies or substances
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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 -

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“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 -

- (a) the issuing, interpretation and evaluation of a prescription;
- (b) the selection, manipulation, preparation, recording and compounding of a medicine;
- (c) the labeling and supplying of medicines in an appropriate container; and
- (d) the provision of information and instructions to ensure the safe and effective use of a medicine by a patient;

“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 a disease, abnormal physical or mental state;
- (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;

[The word “of” after the word “combining” is superfluous.]

“scheduled substance” means the scheduled 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).

[The Allied Health Professions Act 7 of 2004 has been replaced by the Health Professions Act 16 of 2024.]

Scope of practice of phytotherapist

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2. (1) Phytotherapy is a system of healing, treating of diseases and promoting health in which neither surgical or medical agents are used but which is based on the use of -

[The word “or” should be “nor”: “neither surgical nor medical agents”.]

- (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, an illness or a deficiency in a person.

- (2) A phytotherapist may -
 - (a) diagnose, treat or prevent any physical or mental disease, illness or deficiency in a person by the use of case history, physical examination, referral for interpretation of laboratory tests and specialised imaging;
 - (b) prescribe or dispense herbal 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
 - (e) treat or prevent any physical defect, illness or deficiency in any person.

Assessment, evaluation and treatment of patients

3. (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 maintenance of the health of a patient by a phytotherapist may include -

- (a) ensuring the hygiene and physical comfort of 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 suggestions and recommendations 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;

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- (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).

[All of these Acts have been replaced by the Health Professions Act 16 of 2024.]

Remedies used by phytotherapist

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

- (a) vitamins and vitamin supplements;
- (b) minerals and mineral supplements;
- (c) substances that are obtained solely from plants and that are not prepared in accordance with homoeopathic pharmacological principles and 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 scheduled 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 -

[The verb “excludes” should be “exclude” to be grammatically correct.]

- (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);

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

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

- (a) a substance or 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 subregulations (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

5. A phytotherapist may compound, dispense or supply herbal medicine that is prescribed by himself or herself or by another phytotherapist with whom he or she is practising in partnership with or with whom he or she is associated with as a principal or *locum tenens*, for

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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 any section of his or her consulting room which is used -
 - (i) for the consultation, examination or treatment of patients; or
 - (ii) as a waiting room.