

DEPARTMENT OF HEALTH

NO. 2424

26 August 2022

ALLIED HEALTH PROFESSIONS ACT 63 OF 1982

REGULATIONS RELATING TO THE PROFESSION OF UNANI-TIBB

The Minister of Health intends, in terms of section 38(1)(i) of the Allied Health Professions Act, 1982 (Act No 63 of 1982), after consultation with the Allied Health Professions Council, to make regulations in the Schedule.

Interested persons are invited to submit substantiated comments or representations in writing on the proposed amendments to the regulations; to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Public Entities Governance, Ms M Mushwana, mihloti.mushwana@health.gov.za and Mr G. Tsebe, godfrey.tsebe@health.gov.za), within one month of the date of the publication of this Notice.



Dr M.J Phaahla, MP
Minister of Health

Date: 26/07/2022

SCHEDULE

Definitions

1. In these Regulations any expression or word defined in the Act bears that meaning and, unless the context otherwise indicates –

“**basic substance**” means any substance used in Unani-Tibb for medicinal purposes from which or out of which a dilution or mixture is prepared or manufactured, or any stronger concentration of such substance;

“**compound**” means compound as defined in the General Regulations made in terms of the Medicines and Related Substances Act, 1965 (Act 101 of 1965);

“**council-accepted**” or “**accepted by the council**” means that the recommendations of the relevant professional board have been accepted by the Council by way of due process;

“**cupping therapy**” means a body work therapy, which may or may not involve prior scarification of the skin –

- (a) that entails the application by a practitioner of glass, plastic, silicone or other cups to specific areas of the patient's body using a pump or flame to create a vacuum within the cup before it is applied to the body; and
- (b) which is used to treat acute and chronic conditions that present with pain, inflammation or congestion; and
- (c) which is intended to improve circulation to facilitate the healing process.

“dietotherapy” means the special prescription of a diet to improve health, promote recovery from disease, and prevent disorders from developing according to Unani-Tibb principles;

“dispense” means dispense as defined in the General Regulations made in terms of the Medicines and Related Substances Act, 1965 (Act 11 of 1965);

“dry cupping” means the practice of applying a partial vacuum by means of heat (fire cupping) or suction (vacuum gun) in one or several bell-shaped vessels (suction cups) to specific locations on the skin resulting in the uplifting of tissues beneath (skin doming);

“humours” means the four body fluids – blood, yellow bile, black bile and phlegm – that according to the principles and philosophies of Unani-Tibb - are responsible for maintaining temperament and for determining health or disease in human beings;

“massage therapy” means the art of rubbing with or without the use of medicinal agents such as medicated massage oils, to stimulate the qualities of heat, coldness, moistness or dryness in the individual in accordance with the principles and philosophies of Unani-Tibb;

“Medicines and Related Substances Act” means the Medicines and Related Substances Act, 1965 (Act No 101 of 1965) and includes the regulations made thereunder;

“pharmacopoeia” means any Council-accepted publication for the profession of Unani-Tibb in which the medicinal properties or the physical character of substances, the natural history of the effect of substances on the body in health and disease, the collective symptoms obtained from

experimental study of substances or the therapeutics relating to the application of substances in disease, are described;

“practitioner” means a person registered in terms of the Act to practise Unani-Tibb;

“pulse diagnosis” means the examination of the pulse of a human being in order to make a diagnosis based on the principles and philosophies of Unani-Tibb;

“regimental therapies” means methods through which care of a sick person and the maintenance of general health is performed according to the principles of Unani-Tibb, with the aid of certain procedures, tools and equipment described by eminent past physicians including Rhazes, Avicenna and Abulcasis;

“substance” means anything which, whether used alone or in combination in either its original or natural state or in compounded, manipulated or prepared form, constitutes an Unani medicine or forms part of an Unani medicine or which is a basic substance and is recorded in a council-approved pharmacopoeia;

“stool analysis” means the analysis of physical features of faecal mass namely, colour, odour, texture, quantity and frequency, to determine the qualitative and humoural imbalance of a human being in accordance with the principles and philosophies of Unani-Tibb;

“temperamental evaluation” means the assessment of a person's physical, mental, emotional and spiritual attributes according to the principles of Unani-Tibb;

“the Act” means the Allied Health Profession Act, 63 of 1982;

“tongue diagnosis” means the examination of the tongue in order to make a diagnosis based on the principles and philosophies of Unani-Tibb;

“Unani-Tibb” means the ancient Greek system of traditional medicine as developed by Arab civilization that is based on the idea that all things in nature are comprised of the four elements of earth, air, fire and water, and the concept of Temperament in human beings, comprised of the state of balance of humours, as being definitive of a person's disposition using those medicines or substances for treatment of any patient according to any council-accepted Unani-Tibb pharmacopoeia or any council-accepted equivalent Unani-Tibb standard text;

“urine analysis” means the examination of the physical features of urine namely colour, odour, texture, sediment and foam, to determine the qualitative and humoural imbalance of the individual according to the principles and philosophies of Unani-Tibb; and

“wet cupping” means a minor surgical procedure, where negative pressure (suction force) is applied to the skin surface using cups creating skin doming around capillaries and resulting in increased capillary filtration and local collection of filtered fluids, either preceded or followed by light scarification of the skin for the purpose of removing filtered fluid into the cup which may then be collected and removed.

Acts specifically pertaining to the profession of Unani-Tibb

2. The following are acts specially pertaining to the profession of an Unani-Tibb practitioner—

- (a) The physical and psychological examination of any person for the purpose of diagnosing any defect, illness, disease or deficiency in such person in accordance with the principles and philosophy of Unani-Tibb, including but not limited to –
 - (i) a temperamental evaluation;
 - (ii) pulse or tongue diagnosis; or
 - (iii) urine or stool analysis.

- (b) The use or request of any medical diagnostic investigations which may include the withdrawal of intravenous blood;

- (c) The treatment or prevention of any defect, illness, disease or deficiency in any person by means of -
 - (i) Dietotherapy;
 - (ii) Regimental therapies, including but not limited to –
 - (aa) exercise;
 - (bb) massage therapy;
 - (cc) fomentation;
 - (dd) hydrotherapy;
 - (ee) diaphoresis;
 - (ff) diuresis;
 - (gg) purgation;
 - (hh) emesis;
 - (ii) enema;
 - (jj) cupping therapy;
 - (kk) nebulisation using Unani medicines or substances or essential oils;
 - (ll) irrigation of the nose, ear, vagina or colon; or
 - (mm) mind-body and stress reduction techniques.

including but not limited to –

(mmi) breath work;

(mmii) meditation;

(mmiii) relaxation techniques; or

(mmiv) counselling in accordance with Unani principles; and

(mmv) Unani medicines or substances.

- (d) Advising any person on his or her physical or mental health;
- (e) Any other acts specifically pertaining to the profession of Unani-Tibb based on the education and training of practitioners of Unani-Tibb as approved by the Council, from time to time, at the recommendation of the applicable professional board and published in the *gazette*.

Remedies relating to the profession of Unani-Tibb

3. Subject to the provisions of the Medicines and Related Substances Act, a practitioner registered as an Unani-Tibb practitioner, may for the purposes of his or her practice—

- (a) Possess or have under his or her control or administer or prescribe or supply to a patient—
 - (i) any Unani medicine, substance, or preparation;
 - (ii) Unani substances that are unscheduled or scheduled under the Medicines and Related Substances Act;
 - (iii) Unani substances, including scheduled substances,

that are used as basic substances in the compounding and dispensing of Unani medicines, substances or preparations;

- (iv) those scheduled Unani substances which are recorded in a council-accepted Unani-Tibb pharmacopoeia, in quantities and concentrations that do not exceed what is reasonably necessary for this purpose;
 - (v) such scheduled Unani substances, other than those contemplated in subparagraph (iv), as are determined to be necessary for the practice of Unani-Tibb by the Council, at the recommendations of the relevant professional board and published in the *gazette*;
- (b) Prescribe for, or administer to, or dispense to, a patient-
- (i) any Unani substance, or preparation or mixture of substances, or medicines in any therapeutic dose;
 - (ii) basic substances and preparations and mixtures of Unani substances whether they include scheduled substances or substances unscheduled under the Medicines and Related Substances Act;
 - (iii) medicines, substances, preparations and mixtures of substances that are scheduled or unscheduled substances including-
 - (aa) vitamins;

- (bb) minerals;
 - (cc) animal extracts, products and derivatives;
 - (dd) fats, oils and fatty acids;
 - (ee) carotenoids;
 - (ff) polyphenols and bioflavonoids;
 - (gg) amino-saccharides;
 - (hh) saccharides (including prebiotics);
 - (ii) probiotics; and
 - (jj) health supplements.
 - (kk) Unani substances referred to in sub-paragraphs (aa), (bb) and (cc), water and saline, in an injectable form, where applicable; and
- (c) Compound and dispense-
- (i) any Unani substance, preparations and mixtures of substances that are recorded in a council-accepted Unani-Tibb pharmacopoeia or any scheduled or unscheduled substance for the purpose of making an Unani medicine;
 - (ii) Unani substances referred to in paragraph (a) (i) – iv);

- (iii) Unani substances referred to in paragraph (b) (i), (ii) and (iii); and
- (iv) any Unani substance or preparation or mixture of substances or medicines or substances containing an Unani substance, in any therapeutic dose or strength.

Short title

4. These regulations are called the Regulations Relating to the Profession of Unani-Tibb, 2022.