

DEPARTMENT OF HEALTH

NO. 2966

27 January 2023

**REGULATIONS RELATING TO THE PROFESSION OF TRADITION
CHINESE MEDICINE AND ACUPUNCTURE**

The Minister of Health intends, on terms of section 38 of the Allied Health Professions Act, 1982, (Act no. 63 of 1982), after consultation with the Allied Health Professions Council, to make the regulations as set out 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, within one month of the date of the publication of this notice.


DR. MJ PHAAHLA. MP
MINISTER OF HEALTH

DATE: 14/11/2022

SCHEDULE

Definitions

- 1 In this Schedule any expression defined in the Act bears that meaning and, unless the context otherwise indicates –

“acupuncture” means a collection of various procedures involving the manual or electrical stimulation by means of needles, sound waves or electronic pulses of certain points or areas on the skin, mucous membranes or subcutaneous tissue of a person to promote, maintain, restore or improve health or to prevent a disorder, imbalance or disease or to alleviate pain;

“acupressure” means a set of techniques for the application of physical pressure to certain points on the human body using the hand or elbow or various devices other than needles;

“Ahshi Acupuncture” means the needling of a tender point on a person’s body in order to treat blockages of Chi and blood;

“auricular therapy” or **“ear Acupuncture”** means acupuncture or acupressure applied to points on either one or both of the patient’s ears for the treatment of conditions affecting the physical, mental or emotional aspects of the patient;

“basic substance” means any substance used in Traditional Chinese Medicine for medicinal purposes from which or out of which a dilution or mixture is prepared or manufactured, or any stronger concentration of such substance;

“bone setting” also known as **“Die-Da”** means a form of physical manipulation that is applied in cases of trauma or injuries such as sprains or bruises;

“catgut embedding therapy” means embedding a type of cord made from sterile synthetic fibre into acupuncture points to keep these points stimulated for up to a week after which the fibre is absorbed by the body;

“Chi” means the life energy that flows in a living human body;

“Chinese Medicine and Acupuncture practitioner” means a person registered as such under the Act;

“coining” or **“spooning”** (also known as **“Gua Sha”**) means a technique of scraping or rubbing the skin of a person using a round edged object, in which the skin is pressured in strokes by palpation and cutaneous stimulation, in order to move blood and Chi with the object of promoting or restoring health or wellbeing;

“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” (also known as **“Ba Guan”**) means a set of techniques involving the manual or electronic suction of small areas of the skin of a person by the application of cups, made of glass,

plastic, bamboo or similar material, in which a partial vacuum is created before being placed on the skin with the object of moving blood, lymph or Chi in order to promote, maintain, restore or improve health, prevent a disorder, imbalance or disease or alleviate pain;

"dietary therapy" (also known as **"Shiliao"**) means the therapeutic modality in Traditional Chinese Medicine that involves the use of whole natural foods instead of, or in addition to, herbal medication to correct energy imbalances or combat disease in the human body;

"dispense" means dispense as defined in the General Regulations made in terms of the Medicines and Related Substances Act, 1965 (Act 101 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);

"electro-acupuncture" is a form of acupuncture in which needles are attached to a device that generates continuous electrical pulses and includes percutaneous electrical nerve stimulation;

"embedding therapy" means the practice of embedding in a sterile manner seeds or metal balls with medicinal properties onto a person's skin or threads or needles into the skin, for the purpose of prolonging the duration of stimulation of acupuncture points or areas and includes **"catgut embedding therapy"** as defined above;

“laser Acupuncture” means acupuncture using a laser device instead of needles in order to stimulate acupuncture points on the skin;

“lifestyle management” means an intervention designed to promote health and behavioural changes in a patient by enabling him or her to have increased control over a health condition;

“magnet therapy” means the application of the magnetic field of an electromagnetic device or a permanent static magnet to the body in order to benefit health;

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

“moxibustion” means a therapy using burning “moxa”, which is the burning of desiccated *Artemisia* spp. with the intention of warming regions of the skin, or acupuncture points on the skin, to improve circulation in order to induce a smoother flow of blood and Chi. Moxibustion can be by direct or indirect means. Direct moxibustion is where a moxa cone is placed directly onto the skin producing a blister. Indirect moxibustion involves the use of a moxa cigar or moxa stick or cone held close to the skin to either warm or burn it, or the use of moxa on an acupuncture needle;

“needling point injection therapy” means the injection of a medicine, or herbal substance, using sterile techniques of Traditional Chinese Medicine, into acupuncture points in accordance with Traditional Chinese Medicine principles;

“pharmacopoeia” means any Council-accepted publication for the profession of Chinese Medicine and Acupuncture 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 indications and contraindications obtained from experimental study of substances or the therapeutics relating to the application of substances in disease, are described;

“pulse and tongue diagnosis” means the measurement and analysis of the patient’s pulse and the inspection of the patient’s tongue to obtain a Traditional Chinese Medicine diagnosis;

“Qi Gong” means a system of exercise and meditation that combines regulated breathing, slow movement and focused awareness in order to cultivate and balance Chi and can include Qi Gong massage in which the practitioner combines massage techniques with the awareness of acupuncture channels and points;

“sonopuncture” or **“acutonics”** means the stimulation of the body in a manner similar to that of acupuncture but using sound, generated by ultrasound transducers, tuning forks or other sound emitting devices, instead of needles;

“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 a Traditional Chinese Medicine medicine or forms part of a Traditional Chinese Medicine medicine or which is a basic substance;

“Tai Chi” means a Traditional Chinese Medicine exercise system

that involves slow, smooth body movements to achieve a state of relaxation of body and mind and that is used to improve or maintain health while strengthening the cardiovascular and immune systems;

"temperament evaluation" means the use of Traditional Chinese Medicine philosophy and techniques to ascertain various physical and mental states with the aid of the five elements and their corresponding organs and to assess the patient's mental, physical, emotional and spiritual aspects;

"the Act" means the Allied Health Professions Act No. 63 of 1983;

"Traditional Chinese Medicine medicine or substance" means a medicine or substance which is recorded in any Council-accepted pharmacopoeia for this profession in which the medicinal properties or the physical character of substances, the natural history of the effect of such medicines or substances on the body in health and disease, the collective symptoms obtained from experimental study of such medicines or substances or the therapeutics relating to the application of such medicines or substances in disease, are described;

"Tui Na" means a method of massage with or without the use of ointments, used in Traditional Chinese Medicine, that is intended to stimulate the flow of Chi and blood by means of various barehanded techniques that do not involve the use of needles and which include thumb pressure, rubbing, percussion and stretches;

"urine and stool analysis" means the examination of the physical appearance, colour, smell, consistency, amount, frequency,

sediment or degree of digestion of urine or stool for the purpose of obtaining a Traditional Chinese Medicine diagnosis;

“**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, followed by light scarification of the skin so that the filtered fluid moves into the cup and may be collected and removed.

Acts specifically pertaining to the profession of Chinese Medicine and Acupuncture

2 The following acts are acts specifically pertaining to the profession of Chinese Medicine and Acupuncture –

- (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 Traditional Chinese Medicine, including but not limited to-
 - (i) pulse and tongue diagnosis;
 - (ii) temperament evaluation; or
 - (iii) urine and stool analysis.
- (b) The use or request of any medical diagnostic investigations which may include withdrawal of intravenous blood;
- (c) The treatment or prevention of any defect, illness, disease or deficiency in any person by means of-

- (i) acupuncture;
 - (ii) acupressure;
 - (iii) Ahshi acupuncture;
 - (iv) auricular therapy;
 - (v) bone setting;
 - (vi) coining or spooning therapy (Gua Sha);
 - (vii) cupping therapy (Ba Guan);
 - (viii) dietary therapy (Shiliao);
 - (ix) electro-acupuncture;
 - (x) embedding therapy;
 - (xi) laser acupuncture;
 - (xii) lifestyle management;
 - (xiii) magnet therapy;
 - (xiv) moxibustion;
 - (xv) needling point injection therapy;
 - (xvi) Qi Gong;
 - (xvii) Sonopuncture;
 - (xviii) Tai Chi;
 - (xix) Tui Na; or
 - (xx) Traditional Chinese Medicine 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 Traditional Chinese Medicine based on the education and training of such practitioners 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 Chinese Medicine and Acupuncture

3 Subject to the provisions of the Medicines and Related Substances Act No. 101 of 1965, a person registered as a Chinese Medicine and Acupuncture 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 Traditional Chinese Medicine medicine, substance, or preparation;
 - (ii) Traditional Chinese Medicine substances that are unscheduled or scheduled under the Medicines and Related Substances Act;
 - (iii) Traditional Chinese Medicine substances, including scheduled substances, that are used in the compounding and dispensing of Traditional Chinese Medicine medicines, substances or preparations;
 - (iv) Those scheduled substances which are recorded in a council-accepted Traditional Chinese Medicine pharmacopoeia, in quantities and concentrations that do not exceed what is reasonably necessary for this purpose
 - (v) Such scheduled Traditional Chinese Medicine substances, other than those contemplated in

subparagraph (iv), as determined to be necessary for the practice of Chinese Traditional Medicine 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 Traditional Chinese Medicine substance, or preparation or mixture of substances, or medicines in any therapeutic dose;
 - (ii) Basic substances and preparations and mixtures of Traditional Chinese Medicine substances whether they include scheduled substances or unscheduled substances under the Medicines and Related Substances Act;
 - (iii) Medicines, substances, preparations and mixtures of substances that are scheduled or unscheduled substances including-
 - (a) vitamins;
 - (b) minerals;
 - (c) animal extracts, products and derivative;
 - (d) fats, oils and fatty acids;
 - (e) carotenoids;
 - (f) polyphenols and bioflavonoids;
 - (g) amino-saccharides;
 - (h) saccharides (including probiotics);
 - (i) probiotics; and
 - (j) health supplements.

- (iv) Traditional Chinese Medicine substances referred to in sub-paragraphs (i), (ii) and (iii), water and saline, in an injectable form, where applicable; and
- (v) Compound or dispense-
 - (i) any Traditional Chinese Medicine substance, preparations and mixtures of substances that are recorded in a council-accepted Traditional Chinese Medicine pharmacopoeia or any unscheduled substance for the purpose of making a Traditional Chinese Medicine medicine;
 - (ii) Traditional Chinese Medicine substances referred to in paragraph (a) (i) – (iv);
 - (iii) Traditional Chinese Medicine substances referred to in paragraph (b) (i), (ii) and (iii);
 - (iv) Any Traditional Chinese Medicine substance or preparation or mixture of substances or medicines or substances containing a Traditional Chinese Medicine substance, in any therapeutic dose or strength.

Short title

- 4 These regulations are called the Regulations Relating Specifically to the Profession of Traditional Chinese Medicine and Acupuncture.