



**MINUTES OF THE HEALTH & WELLNESS FORUM MEETING
HELD ON FRIDAY, 4 NOVEMBER 2022 AT 10H00
VIA MICROSOFT OFFICE TEAMS**

PRESENT: Per attached list

1 WELCOME

Dr Coates welcomed everyone to the meeting.

2 OPENING COMPETITION STATEMENT

The Competition Statement was read to members by Mr. Mohale.

3 ACCEPTANCE OF PREVIOUS MINUTES: 28 JULY 2022

The minutes of the meeting held on 28 July 2022 were accepted as a true reflection of the meeting.

4 GUEST SPEAKER ON LEGISLATION UPDATES AND IMPACTS OF CONSIDERATION

Elsabe Klinck | Managing Director, Elsabe Klinck & Associates

Highlights were extracted from the presentation as follows:

Medicines Legislation

- SAHPRA lost the case at the Supreme Court of Appeal on complementary medicines and health supplements as the court ruled not all supplementary products and complementary medicines could be deemed as medicines.
- The complementary medicines and health supplements needed to be regulated by 11 April 2023.
- Health Supplements as well as alternative medicines which were not therapeutic in nature would need to be removed from the ambit of the Medicines Act.
- Anticipatory compounding of medicines had been made provision for under Regulation 3 of 2017 since 30 September 2022 although the compounded medicine would only be valid for 30 days.
- The anticipated new SAHPRA Bill would potentially address issues regarding:
 - The appeals process Section 24(a)
 - CAMS and HS (complementary medicines and health supplements)
 - Veterinary medicines, cosmetics, foodstuffs
 - Hazardous Substances Act (which has never been amended)
 - Licensing and the possession of medicines by non-doctors such as podiatrists (section 22(a))
 - Potential removal of the call-up requirement
- Clarification on what would happen to Sections 18(a), 18(b) and 18(c) of the current Act should the act evolve into the SAHPRA Act would need to be provided as various exemptions were listed within these sections.
- A major implication was found within the NHI Bill as the current proposed Bill stated the SEP system would be amended as well as Section 22(g) on medicine pricing which raised further concerns.
- The Certificate of Need (CON) Ruling was important and was referred to in the NHI Bill and related to all health establishments as well as healthcare practices who would need to obtain a CON.
 - The High Court ruled the CON as:
 - Removing the right to choose your profession



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- Removing the right to property
- Removing the right of access to healthcare
- Affecting human dignity
- Affecting freedom of movement

Procurement

- The Preferential Procurement Policy Framework Regulations was outside of the ambit of the Empowering Act as the PPPFA was established prior to the establishment of the BBBEE and the Preferential Procurement Regulations align with the BBBEE Act which was incorrect as it needed to align with the PPPFA of 2000.
- The Draft Procurement Bill was anticipated to conclude in 2022 and will be introduced in Parliament in March 2023.
- The Draft Procurement Bill would entrench a preference point system as well as BBBEE localisation.
- The Procurement Bill would contain bid criteria.

Medical Schemes

- Low-Cost Benefit Options (LCBOs) were currently open for comment with the deadline for comments set for 30 November.
- The Council confirmed the PMB would be reviewed although would not be updated but Primary Healthcare would be added to which Ms. Klinck explained the NHI Bill would also provide Primary Healthcare causing a need for clarification and the CMS committed to providing an outcome on this overlap in early 2023.
- CMS would be addressing out of pocket expenditure in 2023 as well as implement HMI recommendations.

CMS Industry Report

- The CMS report indicated young people did not belong to medical schemes which was problematic as they cross-subsidised older medical scheme members.
- Medical Schemes showed large funds in reserve with a current average of 47% (forty-seven) with restricted schemes depicting 55% (fifty-five) of funds in reserve.
- The CMS issued a Research Note in April 2022 as a consistent error was noted where schemes were not funding the PMBs from Risk but rather funding them from Personal Medical Savings Accounts.

LCBO

- LCBO was to bring households earning less than R18k (eighteen thousand) on board in either the Insurance Sector or the Medical Schemes Sector and the proposal hinged on amendments to the Medical Schemes Act.

NEMA Waste

- The principle behind the Act was the producer of waste would pay for its plastics etc forcing the producers to re-visit the sustainability of their products as well as recycling systems.
- There was an apparent disconnect between Environmental Affairs and the National Dept of Health.
- The National Dept of Health issued draft regulations on Healthcare Waste Management under the National Health Act although the regulations were never finalised.



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- The National Dept of Health issued a NEMA plan for 2020 – 2025 although the plan contained very little information on Health Waste specifically and the opportunity existed for the issue to be raised with National Dept of Health as well as with Environmental Affairs.
- Ms. Nkana mentioned one of the targets set for pharmaceuticals was the redesigning of packaging for security and felt this posed a challenge to which Ms. Klinck added there were limits as to how packaging was controlled and further added Environmental Affairs and Dept of National Health were not seeing the impracticalities of its all-encompassing bag of definition of pharmaceuticals. Ms. Klinck proposed undergoing an assessment on the practicality on compliance and further mentioned a legal mechanism was available in SA to apply for certain exemptions.

Q&A

- Ms. Gunkel-Keuler enquired around the Borderline Products Guidance which was released with a deadline of 8 November to which Ms. Klinck felt the guidelines needed to be governed in the Medicines Act and added more focus needed to be given on the fundamental issues within the Legislation itself.
- Ms. Mphahlele enquired how regulations and policies could be shaped as well as informing Government of the impacting conflicts between contamination safety and regulations to which Ms. Klinck proposed inviting the National Dept of Health as well as Environmental Affairs representatives to a briefing prior to facilitating a possible workshop on the topic and further added AmCham could facilitate such a meeting as well as workshop.
- Dr Coates enquired if the Preferential Procurement would impact organisations in 2023 in that companies would not be able to tender to which Ms. Klinck felt the biggest challenge was negotiating known transformational targets and added the biggest threat in the Bill was around the topic of Localisation.
- Dr Coates thanked Ms. Klinck for addressing the Forum and requested Ms. Klinck to share the presentation deck with AmCham to which Ms. Klinck agreed.

Action: AmCham / Elsabe Klinck

5 AMCHAM ENGAGEMENT PLATFORM – GLUE UP

- Mr. Wiehe informed members the AmCham SA website was recently launched in conjunction with implementing a member management system called Glue Up and proceeded to demonstrate the Glue Up platform to members.
- Mr. Wiehe added a mobile app version of the platform was available for download.
- Ms. Schutte informed members Mr. Wiehe was available via email should assistance be required on the platform and members were further encouraged to connect with Ms. Schutte on services@amcham.co.za for added assistance on the website.

Action: Amcham / Jerome Wiehe

6 IDENTIFYING THE WAY FORWARD TO FINALISE THE FORUM STRATEGY FOR 2023/22

1. National Health Insurance (NHI)

- Dr Coates confirmed there had not been significant changes to date on the NHI and added the committee had been very slow in reviewing the commentary of the Bill until September where the pace increased.
- Dr Coates informed members a collective concern had been raised by industry and these concerns were currently being addressed such as the Preferential Procurement and SEP as well as the powers of the Minister.



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- Dr Coates added AmCham presented to the Portfolio Committee where primary issues to be addressed were tabled.
- Dr Coates mentioned BUSA had established a dedicated Health workstream who would be driving the NHI and further added AmCham would be driving all comments through the BUSA Forum.

2. Health Master Plan (HMP)

- Dr Coates mentioned the key area being addressed was the Sugar Tax and conversations were ongoing with the new AmCham CEO.
- Dr Coates confirmed engagements with the Dept of Trade and Industry had transpired and progress on the HMP had been slow.

Action: AmCham / Judy Coates

3. AmCham Contributions to Assisting SAHPRA

- Dr Coates informed members a meeting date with Dr Semete would be confirmed early 2023.

Action: AmCham / Judy Coates

7 GENERAL

7.1 Nomination of a Vice-Chairperson for the 2023 Year

- Ms. Schutte informed members Ms. Towert had resigned from her position at Tennant and would be stepping down as the Vice-Chairperson for the Forum and requested members to either nominate a Forum member or themselves for the position of Vice-Chairperson and further requested members to complete the ballot forms before the end of the year.
- Ms. Schutte confirmed the normal tenure would be a standard two-year period and the incumbent would be voted in although for this Vice-Chairperson position the tenure would run for 2023 (one year) only and would be subject for review at the end of 2023.
- Dr Coates thanked Ms. Towert in her absence for her contribution to the Forum as Vice-Chairperson.

7.2 Update on Coronavirus & Vaccine

- Dr Coates confirmed no new updates were available.

7.3 Upcoming Legislation & Regulations for the Attention of the Forum

- Dr Coates confirmed this topic was addressed by the guest speaker.

7.4 Relevant Speakers (and topics) to be invited to address members

- Dr Coates encouraged members to forward names of relevant speakers to address the Forum as well as relevant topics and added suggestions could be forwarded to Ms. Schutte at services@amcham.co.za.
- Dr Coates added speakers were not dedicated to the Forum and other Forums. could be invited to attend guest speaker sessions should the content be relevant.

Action: All

7.5 Items of Relevance not addressed on the Agenda

- No items were forthcoming, and Ms. Schutte invited members to email herself should any topics or items wished to be placed on the agenda.

Action: All



8 UPDATE ON AFRICAN MARKETS – HEALTH REGULATORY UPDATES

Dr Coates confirmed SA had signed the AMA Treaty and it was expected this would be ratified before the end of the year and further feedback would be provided at the next Forum Meeting as well as information on the relevance of the Treaty.

Action: Judy Coates

9 BUSA UPDATES (HEALTH WORKING GROUP)

Dr Coates informed members an update on this item would only be available once another BUSA sitting had taken place.

Action: AmCham / Judy

10 HEALTH FORUM POSITION PAPER

Dr Coates informed members a copy of the Paper was available from AmCham.

Action: AmCham

11 MEETING DATES FOR 2023

- Ms. Schutte confirmed the Board Strategy Session would transpire during Q1 of 2023 where the AmCham strategy would be identified and Forum meeting dates for 2023 would be shared in December.
- Ms. Schutte further confirmed the cadence of Forum meetings would be revised and it was proposed scheduling the meetings once per quarter as opposed to monthly.

There being no further matters for discussion, Dr Coates thanked the attendees for their participation as well as Messrs Schutte and Mohale for their assistance in supporting the Forums and proceeded to close the meeting.

Ends



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PRESENT (Messrs):

Judy Coates	Amgen South Africa (Chairperson In Chair)
Annika Schutte	AmCham
Tshepo Mohale	AmCham
Danny Donkers	Amgen South Africa
Bosedede Nkana	Amway
Enrico Baldassarri	AVG Ltd
Elsabe Klinck	Elsabe Klinck & Associates Guest Speaker
Jerome Wiehe	Fast Forward Interactive
Leigh Gunkel-Keuler	Herbalife Nutrition
Christa Fyfe	HPA
Christelle Bekker	HPA
Farhaanah Loonat	HPA
Jeffrey Charles Kantor	HPA
Janet Welham	HPA
Juanette van Staden	HPA
Marnus Jansen Van Rensburg	HPA
Michael Henn	HPA
Minette Woolley	HPA
Peter Kreft	HPA
Renier Kruger	HPA
Robert Longrigg	HPA
Simone Odendaal	HPA
Ulani Stapelberg	HPA
Yolandi Calitz	HPA
Phyllis Mphahlele	Johnson & Johnson

APOLOGIES (Messrs):

Michelle Constant	AmCham CEO
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