



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

*Regulation Gazette*

No. 9286

*Regulasiekoerant*

Vol. 539

Pretoria, 14 May  
Mei 2010

No. 33188

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## GOVERNMENT NOTICE

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### DEPARTMENT OF HEALTH

No. R. 401

14 May 2010

### NATIONAL HEALTH ACT, 2003

#### REGULATIONS RELATING TO THE WITHDRAWAL OF BLOOD FROM A LIVING PERSON FOR TESTING

The Minister of Health has, after consultation with the National Health Council, in terms of section 68(1)(h) read together with sections 55, 56(1), 90(1)(a) and 90(4)(c) of the National Health Act, 2003 (Act No. 61 of 2003), made the regulations in the Schedule.

#### SCHEDULE

##### Definitions

1. In these regulations, "the Act" means the National Health Act, 2003 (Act No. 61 of 2003) and any word or expression to which a meaning has been assigned in the Act shall have that meaning unless the context indicates otherwise; and

"health care provider" includes a retired health care provider.

##### Withdrawal of blood

2. A health care provider or a person contemplated in section 56 of the Act who is not a health care provider may, subject to regulation 3, remove blood from another living person in accordance with sections 55 and 56(1) of the Act.
3. A person who is not a health care provider may remove blood from another living person only if-
  - (a) that person has received training at a health establishment that is specifically designed for removal of blood by persons including persons who are not health care providers; and



- (b) that person's name has been recorded by the person in charge of the relevant health establishment in a register specifically designated for recording such persons' names.

4. The removal of blood by persons who are not health care providers shall only be by means of pricking a finger with designated equipment to obtain a small quantity of capillary blood sufficient for testing.

### Training

5. The training contemplated in regulation 3 shall-

- (a) only be offered to persons who, in the opinion of the person providing training, are capable of understanding the subject matter of such training; (Cred 10, 500-40)
- (b) be for a period not less than three hours; and
- (c) include-
  - (i) information on obtaining informed consent of the person from Pre + Post counselling whom blood is to be drawn;
  - (ii) preparation for and the actual removal of blood;
  - (iii) ensuring process quality;
  - (iv) the use of equipment;
  - (v) stopping the bleeding and the disposal of used but unwanted material; ? Rapid Test Link with Clinic or Private Dr
  - (vi) information on the tests to be conducted; Rapid HIV finger Prick
  - (vii) interpretation of the test results; and
  - (viii) submission of removed blood for further management. referral: Clinic further tests

6. A person in charge of a health establishment must, when required, confirm in writing that a particular person received training for removal of blood at the relevant health establishment.

work with training institution for Accreditation of THPs already trained, FPD

### Commencement

7. These regulations come into operation on 17 May 2010.

  
DR A MOTSOALI

MINISTER OF HEALTH