

The Health Justice Initiative's 17 Questions on the NHI and Medicine Access

- 1 What specific measures are envisaged to **enable and promote public transparency** related to medicine selection, procurement and contracting processes under the NHI?
- 2 How will the **deliberations of NHI ministerial advisory committees** be made open to the public, and how (and how often) will this information be shared?
- 3 Not everyone living in SA will be regarded as a 'user' of the NHI Fund. In these circumstances, **will medicine manufacturers be permitted to sell medicines to health providers other than the State** – if so, how will this be done, and what will be the maximum price?
- 4 **Which medicines will automatically be covered under NHI benefits as part of the NHI Formulary?** How will this information be communicated to the public, and how can the inclusion or exclusion of specific medicines be appealed?
- 5 **Which medicines will not be covered under NHI benefits as part of the NHI Formulary?** On what basis will this exclusion be decided, how will poorer patients access life-saving medicines that are not included, and will humanitarian organisations be permitted to access medicines on individuals' behalf?
- 6 Will wealthier people **be able to bypass NHI selection and purchase more expensive life-saving and other medicines** on their own/with others where the State does not procure these itself?
- 7 Many foreign migrants and South Africans without documentation will not be able to register as NHI Users. How **will people who are not registered NHI Users (for any reason) be able to access basic health care services?**
- 8 **How will the price of medicines not included in or covered by the NHI be regulated?** And what role will External Reference Pricing (ERP) methodology play in the NHI and beyond?
- 9 **How will the NHI Fund (e.g., the Office of Health Products Procurement, the NHI Board) negotiate with global pharmaceutical manufacturers and suppliers** in order to procure for the State, and how will that process be transparent and accountable?
- 10 By when and **how will the current Single Exit Price (SEP) system that governs private sector medicine acquisition be amended and/or extended**, and in what phases of the implementation process will this occur? How will dispensing fees be charged, and how will Section 21 exemptions be managed?
- 11 **Why has the jurisdiction of the Competition Commission been excluded**, and which other statutory body will be legally tasked with providing the necessary regulation of price and competition?
- 12 **How will the Minister determine that the NHI is 'fully implemented'**, and what will take place in terms of what medical schemes can and cannot offer members during the transition period, and after the (undefined) date?
- 13 How will the current [medical scheme] provisions related to **'late-joiner penalties', 'waiting periods' and top-up insurance products be managed or transitioned under the NHI** without prejudicing existing and also new members?
- 14 Has consideration been given to **designing a competitive and different single medicine pricing system for SA?**
- 15 What specific measures if any will the **NHI Fund** be permitted to take or recommend in respect of **reducing medicine, to give effect to the intent of 'strategic purchasing'** as referenced in the NHI Bill?
- 16 How will **SA's Intellectual Property strategy need to adapt to complement the NHI objectives** of securing the 'best available medicines' in the most affordable way?
- 17 What system will govern **how the South African National Defence Force (SANDF) and State Security Agency (SSA) select, procure, and pay for medicines** (they are exempt from the NHI), and how will pricing be monitored and regulated under that parallel procurement system?