



# Regulating Telemedicine in Nigeria's Pharmaceutical Market: Balancing Price Control, Competition, and Accessibility

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# The advent of telemedicine has redefined healthcare delivery globally, and Nigeria is no exception.

Telemedicine emerged as a result of technological advancements and its increasing integration into daily life. It involves the use of telecommunications and digital technologies to deliver clinical care to patients remotely. In essence, telemedicine facilitates the delivery, receipt, and management of healthcare services through virtual platforms, enabling medical consultations, diagnoses, and treatments without requiring physical proximity between healthcare providers and patients.<sup>1</sup> The adoption of telemedicine in Nigeria gained significant momentum during the

COVID-19 pandemic, which restricted physical movement and limited access to traditional in-person healthcare services. As a result, many individuals turned to remote consultations and virtual care as a safer and more accessible alternative. Despite this success, it also raises regulatory concerns, chief among them are price control, fair competition, and equitable access; therefore, there is a need for a strong legal and regulatory framework to guide activities in the telemedicine ecosystem to ensure higher accessibility, affordability and accountability.



## Legal & Regulatory Framework of Telemedicine in Nigeria's Pharmaceutical Sector

There is no specific law on telemedicine in Nigeria, but the provisions of various laws regulating general healthcare practices, particularly on technology adoption, data protection and consumer protection. Some of these laws include the Medical and Dental Practitioners Act (MDPA), 1988, which is the primary regulation for medical and dental practice in Nigeria and requires the registration and licensing of medical doctors. The Act also established the Medical and Dental Council, the body responsible for determining

the standards of knowledge and skill to be attained by its members by reviewing the code of conduct for medical practitioners periodically. It, however, makes no specific provision on the obligations of doctors as well as the rights of patients when healthcare is administered electronically.

There is also the Online Pharmacy Regulation, 2021, a regulation created by the Pharmacy Council of Nigeria, which was established by the Pharmacy Council of Nigeria Act, 2022.

It requires pharmacies that aim to provide online services to be registered with the Council and obtain licenses for their online pharmacies.

Additionally, Section 29 of the National Health Act mandates health institutions to put in place preventive control measures against unauthorized access to health records of patients and to the storage facility/system by which the records are kept and failure to do so makes the health institution liable to imprisonment for two years or less or/and a fine of N250,000.

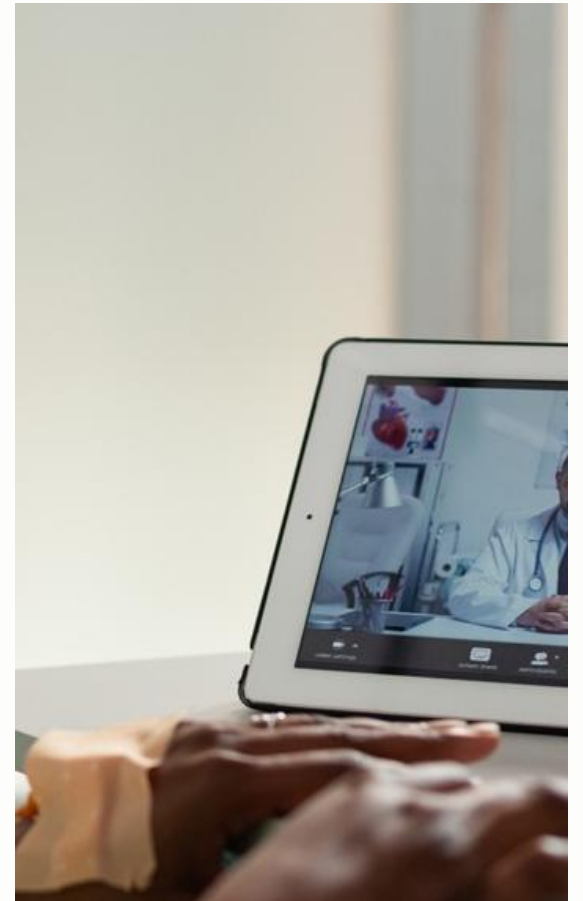


The Nigeria Data Protection Act 2023 is a key piece of legislation that safeguards the privacy of personal data. It establishes the Nigeria Data Protection Commission (NDPC) as the regulatory authority responsible for overseeing and enforcing compliance with data protection principles, particularly in relation to the processing of personal information.



Providing online healthcare requires the collection, processing and keeping of personal data by healthcare professionals and while this has always been the practice, the introduction of third parties in the process such as the sites, cloud computing service providers and websites used by health practitioners in offering telemedicine services increases the need for strict adherence to this Act. Other regulations include the National Information Technology Development Agency Act, 2007 and the Code of Medical Ethics, 2008.

The Electronic Pharmacy Regulations, 2024, provide a structured framework for the operation of electronic pharmaceutical services in Nigeria. Aligned with global best practices, the regulations are designed to ensure the safe, ethical, and efficient delivery of pharmaceutical care through digital platforms. It provides a centralized National Electronic Pharmacy Platform (NEPP) for transactions, verification, and e-prescriptions, licenses and standards for telemedicine practice. It also grants authority to audit digital and physical records and databases of e-health platforms, and mandates e-pharmacies to display a Council-registered emblem (REPSE) on their platforms to signal legitimacy.



This is a potential regulation tailored specifically to the needs of e-health services in Nigeria.

Finally, looking at competition, and pricing in telemedicine practice, the provisions of the Federal Competition and Consumer Protection Act (FCCPA) are informative, as this Act generally regulates markets, preventing unfair trade practices and promoting consumer protection.

# The Role of Competition Law in Balancing Price Control with Innovation

The Federal Competition & Consumer Protection Commission (FCCPC) has released several guidelines aimed at safeguarding consumer rights, including the Patients' Bill of Rights and the Principles on Online Marketing and Advertisement. These principles impose a duty on service and product providers to disclose clear and accurate pricing information, thereby enabling consumers to make informed purchasing decisions.

This obligation to disclose pricing promotes healthy market competition, as service providers are incentivized to offer fair prices to remain competitive and avoid losing customers to better-priced alternatives. In effect, this ensures fair play, prevents unfair pricing, and anti-competitive behavior.

However, it becomes more complex when it involves exclusive or imported healthcare services, which often come at significantly higher costs. These premium services may distort market pricing and limit consumer access, potentially undermining competitive balance.

To address this, the FCCPC, therefore, must create frameworks to balance the need for a fair and competitive marketplace and the right of consumers to exclusive and imported services, even when such services fall outside conventional market pricing norms.

Despite FCCPC's dedication to ensuring fair pricing, competition, and consumer protection in telemedicine services, there are still several issues that plague this aspect of healthcare provision, such as the following;



**Exclusive deals and imported services are factors that can affect competitive pricing and encourage anti-competitive behavior.** Imported services are often more expensive, and when combined with the prevailing cultural bias among Nigerians favoring foreign healthcare solutions, local telemedicine providers may struggle to maintain market share. This dynamic can hinder the growth of indigenous platforms and reduce healthy market competition. The FCCPC, therefore, must create frameworks to balance the need for a fair marketplace and the right of consumers to exclusive and imported services, which usually don't align with the general market price.



**Noticeable differences in the pricing of telemedicine and physical healthcare services adversely affect its adoption in Nigeria,** especially among low- and middle-income users who are skeptical of digital health solutions and don't understand what they are paying for.



**Cartel behavior and price-fixing among digital health providers** can adversely affect market entry for upcoming service providers and also affect consumer behavior and options.



**Access to drugs via online platforms;** issues of quality, safety, and affordability of treatment issued via online platforms are one of the key hindrances to the adoption of telemedicine in Nigeria.

**The absence of a national pricing framework for digital pharmaceutical services leaves consumers vulnerable. Regulators may need to consider benchmarking prices and setting reference pricing for essential drugs within digital platforms.**

# Legal Barriers and Enablers to Equitable Access to Telemedicine And Pharmaceuticals.

Even though there are stakeholders making efforts to make telemedicine practice align with international best practices, there remain some barriers to equitable access for consumers to enjoy these services.

Bad internet and power in rural areas are a major hindrance to the full integration of digital healthcare services. Communities with no internet access might find it difficult to benefit from e-medicine solutions.

Digital literacy is a major barrier to telemedicine in Nigeria because many potential users, especially in rural or low-income communities, lack the skills to navigate mobile apps or online consultation platforms. Without the ability to use digital tools effectively, even affordable or well-designed services remain out of reach. This limits the inclusivity of telemedicine and reinforces existing healthcare inequalities.

Ambiguity in licensing laws for virtual consultations discourages healthcare professionals from offering remote services confidently. The existing framework is fraught with overlap.

## Legal and Regulatory Considerations for the Future

To effectively govern the intersection of healthcare, pharmaceuticals, and digital technology, Nigeria’s regulatory framework must undergo significant reform. The following strategic steps are recommended:

- **Integrated Regulatory Framework:** There is a pressing need for a cohesive and unified legal structure that governs telemedicine and digital pharmaceutical services. This will require strong collaboration among key regulatory bodies such as the Federal Ministry of Health, NAFDAC, the Pharmacists Council of Nigeria (PCN), the Federal Competition and Consumer Protection Commission (FCCPC), the Nigerian Communications Commission (NCC), and the Nigerian Health Insurance Authority (NHIA).
- **Data Privacy and Security:** Given the sensitive nature of patient health information, it is essential that all platforms strictly comply with the provisions of the Nigeria Data Protection Act 2023 and adopt best practices for handling and securing health data.
- **Clear and Fair Pricing Policies:** To promote transparency and protect consumers, telemedicine platforms must display all associated costs, including drug prices, consultation fees, and delivery charges. Additionally, the introduction of price caps for essential medicines, particularly in government-linked initiatives, could help maintain affordability.

# About SBP

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