



# GOVERNMENT GAZETTE

## OF THE

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### CONTENTS

*Page*

#### GOVERNMENT NOTICE

No. 52	Regulations relating to minimum requirements of study of medical physicist, registration of interns, restoration of name to register and scope of practice of medical physicist: Medical and Dental Act, 2004 .....	1
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## Government Notice

### MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 52

2020

#### REGULATIONS RELATING TO MINIMUM REQUIREMENTS OF STUDY OF MEDICAL PHYSICIST, REGISTRATION OF INTERNS, RESTORATION OF NAME TO REGISTER AND SCOPE OF PRACTICE OF MEDICAL PHYSICIST: MEDICAL AND DENTAL ACT, 2004

Under section 59 of the Medical and Dental Act, 2004 (Act No. 10 of 2004), read with section 18(1) and on the recommendation of the Medical and Dental Council of Namibia, I have made the regulations set out in the Schedule.

**DR. K. SHANGULA**

**MINISTER OF HEALTH AND SOCIAL SERVICES**

Windhoek, 7 February 2020

### SCHEDULE

#### ARRANGEMENT OF REGULATIONS

1. Definitions
2. Minimum qualification required for registration as medical physicist
3. Application for registration as medical physicist
4. Registration and internship training of medical physicist

5. Agreement of internship training
6. Commencement or termination of internship by medical physicist intern
7. Reports by approved facility
8. Change of name or address
9. Completion of internship
10. Register of medical physicist interns
11. Removal of name from register by Council
12. Restoration of name to register
13. Language of forms and documents
14. Scope of practice of medical physicist

### **Definitions**

1. In these regulations, a word or expression to which a meaning has been assigned has that meaning and unless the context otherwise indicates -

“applicant” means a person making an application in accordance with these regulations;

“approved facility” means a health facility as defined in section 1 of the Hospital and Health Facilities Act, 1994 (Act No. 36 of 1994) and approved by the Council for the purpose of the training of a medical physicist intern;

“certified” means certified as a true copy of the original by a commissioner of oaths appointed under section 5, or designated under section 6 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963);

“equivalent qualification” means a qualification obtained after fulltime education, tuition and training in similar course and comprising of similar subjects as set out in these regulations;

“practitioner” means a practitioner as defined in section 1 of the Hospital and Health Facilities Act, 1994 (Act No. 36 of 1994);

“registration authority” means the registration authority of a country responsible for the registration of a person to practice as a medical physicist in that country; and

“the Act” means the Medical and Dental Act, 2004 (Act No. 10 of 2004).

### **Minimum qualifications required for registration as medical physicist**

2. (1) The Council may register a person as a medical physicist if that person holds -

- (a) a Bachelors of Science in Medical Physics; or
- (b) an equivalent qualification, successfully completed after full time study for a period of not less than four years at a recognised educational institution.

(2) The qualification referred to in subregulation (1) includes, to the satisfaction of the Council, the following subjects -

- (a) radiation physics;
- (b) physics of radiation dosimetry and radiology;
- (c) physics of nuclear medicine;

- (d) medical imaging;
- (e) physics of radiation oncology;
- (f) physics of nuclear medicine;
- (g) physics of radiation protection and safety (ionising and non-ionising);
- (h) measuring techniques, statistics and research methodology;
- (i) radiobiology;
- (j) anatomy and physiology; or
- (k) professional and medical ethics.

### **Application for registration as medical physicist**

**3.** (1) An application for the registration of a person as a medical physicist must be made in accordance with section 19 of the Act.

(2) An application for registration of a person as a medical physicist in terms of section 19 of the Act must be accompanied by -

- (a) a certified copy of the identity document or passport of the applicant; and
- (b) the original certificate of registration to practice as a medical physicist issued by the registration authority in the country where the applicant obtained the qualification.

(3) If the applicant is not registered with the registration authority referred to in subregulation (2)(b), the applicant must submit -

- (a) a certificate, issued by that registration authority, certifying that the qualification which the applicant holds entitles the applicant to be registered as a medical physicist in that country; or
- (b) if the applicant had been so registered previously, a certificate issued by that registration authority specifying that the applicant has been so registered previously, and that his or her name has been removed from the register of the registration authority and specifying the grounds for the removal.

(4) The Council may require the applicant to furnish the Council with proof of proficiency in the English language in a manner that the Council may determine.

### **Registration and internship training of medical physicist**

**4.** (1) A person who intends -

- (a) to apply for registration in any of the disciplines of medical physicist; and
- (b) who is the holder of a minimum qualification required for registration as a medical physicist and prescribed as such in terms of section 18(1) of the Act,

must complete internship training at an approved facility to the extent and in the manner that the

Council determines and as prescribed by these regulations.

(2) An application for registration as a medical physicist intern must be made in the form that the Council determines and the application form must be submitted to the registrar.

(3) An application referred to in subregulation (2) must be accompanied by -

(a) documentary proof, to the satisfaction of the Council, that the applicant is the holder of a prescribed minimum qualification referred to in regulation 2;

(b) a certificate of good standing, if the applicant had been registered previously in a country other than Namibia as a medical physicist intern or is still so registered, issued by the registration authority with which the applicant had been or is still so registered, which certificate must have been issued not more than 120 days before the date of the submission of the application for registration as a medical physicist intern;

(c) a certified copy of the identity document or the passport of the applicant;

(d) a certified copy of the agreement of internship training entered into by and between the applicant and an approved facility;

(e) payment of the application fees determined by the Council relating to the registration of a medical physicist intern; and

(f) additional documents and information that the Council may require.

(4) After considering an application for registration as a medical physicist intern, the Council -

(a) may grant the application if the Council is satisfied that the applicant -

(i) complies with the requirements for registration as a medical physicist intern; and

(ii) has complied with these regulations;

(b) must refuse the application if the Council is satisfied that the applicant -

(i) does not comply with the requirements for registration as a medical physicist intern; or

(ii) has not complied with these regulations.

(5) The Council must -

(a) inform the applicant in writing of the decision of the Council under subregulation (4);

(b) issue to the applicant a certificate of registration as a medical physicist intern, if the application for registration as a medical physicist intern is granted, in the form that the Council determines, and enter the name of the applicant into the register; and

(c) inform the applicant in writing, if the application for registration as a medical

physicist intern is refused, as soon as practicable of the grounds for the refusal.

(6) A medical physicist intern must complete internship training at an approved facility or at a facility determined by the Council, for a period of not less than 24 months.

(7) If the internship training referred to in subregulation (6) is interrupted at any point in time, the internship training must consist of a period which when added together is not less than 24 months in total.

(8) An interruption, irrespective of its length, referred to in subregulation (7), includes any type of leave taken by a medical physicist intern and any other absence from the internship training, whether with or without the approval of the Council, during the period of internship.

(9) If a medical physicist intern fails to complete his or her internship within 24 months, his or her registration as a medical physicist intern must be regarded as cancelled, however the Council may extend the internship to 36 months on good cause shown.

(10) The Council may extend in writing, on good cause shown, the period of 24 months referred to in subregulation (6) within which the medical physics internship must be completed.

(11) Before a medical physicist intern commences with his or her medical physics internship at an approved facility, he or she must -

- (a) enter into a written agreement of internship with the approved facility at which he or she is to complete the internship, in the form and containing particulars that the Council may determine; and
- (b) register with the Council as a medical physicist intern in accordance with the Act and these regulations.

(12) Despite subregulation (1), the Council may exempt, on the conditions that it may determine, a person from the requirements of registration and training as a medical physicist intern in accordance with these regulations or may reduce the prescribed period of training as a medical physicist intern by the period that the Council may determine, if that person submits documentary proof to the satisfaction of the Council that he or she in Namibia or in a country other than Namibia, has -

- (a) completed internship in accordance with the laws of Namibia or laws of that other country pertaining to the registration of medical physicist or medical physicist interns; or
- (b) practiced, in accordance with the laws of that country, as a medical physicist for the period and under the circumstances as may afford him or her,

to gain experience and training substantially equivalent to the applicable internship training prescribed by subregulation (1).

#### **Agreement of internship training**

5. (1) An agreement of internship training entered into by and between an approved facility and a medical physicist intern must -

- (a) be in the form and contain the particulars that the Council determines; and
- (b) provide for practical training in the main domains and disciplines prescribed in

the Annexure, which in the opinion of the Council is adequate and satisfactory for purposes of the internship.

(2) If at any time during the period of internship prescribed by these regulations, the Council considers any training approved for that purpose to be inadequate or unsatisfactory for any reason, the Council may withdraw the approval by means of a written notice to both the approved facility and to the medical physicist intern, after having afforded them the opportunity to be heard.

(3) Unless the Council otherwise determines, on good cause shown, any period of internship completed by a medical physicist intern under an agreement of internship in respect of which the Council withdraws its approval of internship in accordance with subregulation (2), is void.

(4) If a medical physicist intern enters into an agreement of employment with the Ministry of Health and Social Services for the purpose of receiving training as a medical physicist intern, regulations 4(8), 4(9) and 4(12) do not apply to the medical physicist intern or to his or her internship.

(5) The criteria pertaining to medical physicist internship training are specified in the Annexure to these regulations.

### **Commencement or termination of internship by medical physicist intern**

6. (1) The medical physicist intern must notify the Council in writing as soon as he or she commences the internship and furnish the Council with the name and business address, including the telephone number and other particulars that the Council may require of the approved facility where he or she has commenced the internship, as well as the residential and postal addresses of the medical physicist intern.

(2) If the medical physicist intern terminates his or her internship with the approved facility referred to in subregulation (1), the medical physicist intern must notify the Council in writing of the termination within 30 days after that termination.

(3) If the medical physicist intern intends to -

(a) terminate his or her internship with the approved facility referred to in subregulation (1); and

(b) commence an internship with another approved facility,

the medical physicist intern must notify the Council in writing of the intended termination not less than 30 days before the date of the intended termination and apply to the Council, in the form that the Council determines, for approval of the new agreement of internship entered into between himself or herself and the other approved facility.

### **Reports by approved facility**

7. (1) An approved facility with whom or which a medical physicist intern has entered into an agreement of internship, must during that internship and subject to subregulation (2), submit to the Council a written progress report on the internship at least every six months in the form and containing the particulars that the Council may determine.

(2) Despite subregulation (1) -

(a) the Council may, at any time and in writing, require an approved facility to submit to the Council a written progress report on the internship; and

- (b) an approved facility must report to the Council in writing and as soon as practicable submit to the Council a report on any failure by a medical physicist intern to comply with the standard of patient care acceptable or required by the Council, or to comply with these regulations or the relevant agreement of internship.

(3) If a report contemplated by this regulation contains an allegation that the medical physicist intern is failing to comply with -

- (a) the standard of patient care acceptable or required by the Council; or
- (b) these regulations or the relevant agreement of internship,

the Council may investigate any of those allegations in the manner that the Council determines, subject to regulation 12.

(4) If the Council becomes aware of any other allegation where in the opinion of the Council reflects negatively on the medical physicist intern or on any aspect of the internship, the Council may investigate any of those allegations in the manner that the Council determines, subject to regulation 11.

### **Change of name or address**

8. If the name or surname, residential or postal address, or any other particulars of the medical physicist intern is changed for any reason, he or she must -

- (a) give written notice to the Council of the change of name or surname, residential or postal address or such other particulars within a period of 30 days after such occurrence; and
- (b) provide the Council in writing with the other particulars relating to the change of name or surname that the Council may require.

### **Completion of internship**

9. (1) On the completion of the internship training prescribed by these regulations, the medical physicist intern must submit to the Council proof of that completion, by means of a certificate, to the satisfaction of the Council issued by the approved facility where he or she completed the internship.

(2) The Council may not register a person as a medical physicist unless that person has submitted to the Council the certificate referred to in subregulation (1).

### **Register of medical physicist interns**

10. The register of medical physicist interns established and kept in accordance with section 23(2)(c) of the Act must contain, in addition to the particulars specified by subsection (3) of that section -

- (a) particulars of the approved facility where the medical physicist intern is completing his or her internship;
- (b) the date on which the internship commenced; and
- (c) the date on which the internship is to be completed,

including any change in any of the particulars recorded in the register.

### **Removal of name from register by Council**

**11.** (1) If the Council investigates an internship as contemplated under regulation 7(3), it must afford the medical physicist intern and the approved facility involved the opportunity to be heard on the matter.

(2) The Council may cancel subject to subregulation (3), the registration of the medical physicist intern and remove the name of the medical physicist intern from the register, if after an investigation contemplated by subregulation (1) the Council is satisfied that the medical physicist intern -

- (a) has failed to comply with the standard of patient care acceptable or required by the Council;
- (b) has failed to comply with these regulations; or
- (c) has failed to comply with the applicable internship agreement.

(3) The Council must inform the medical physicist intern in writing -

- (a) not less than 30 days before of the intended cancellation of the registration of that medical physicist intern and the removal of his or her name from the register;
- (b) that he or she may submit, before the date specified by that notice, written representations to the Council relating to the intended cancellation of his or her registration as a medical physicist intern and the removal of his or her name from the register.

(4) If the Council cancels the registration of a medical physicist intern and removes his or her name from the register, the Council must inform the medical physicist intern and the approved facility in writing of that cancellation and removal, which written notice must be delivered to the medical physicist intern and to the approved facility.

### **Restoration of name to register**

**12.** (1) A medical physicist intern whose name has been removed from the register in accordance with section 24 of the Act and who wishes to have his or her name restored to that register must apply to the Council for the restoration of name in accordance with section 25 of the Act.

(2) An application in terms of subsection (1) of section 25 of the Act for the restoration of a name of a person to a register must, in addition to the documents specified by subsection (2) of that section, be accompanied by -

- (a) a certified copy of the identity document or passport of the applicant; and
- (b) the original or certified copy of the registration certificate issued to the applicant by the Council under section 20(4)(b) of the Act.

### **Language of forms and documents**

**13.** (1) Subject to subregulation (2), a document required to be submitted to the Council or the registrar in terms of these regulations must be in the English language.



(2) A document referred to in subregulation (1) that is not in the English language must be accompanied by a sworn translation into English.

### **Scope of practice of medical physicist**

**14.** (1) The following acts are regarded to be acts specially pertaining to the scope of practice by a medical physicist -

- (a) protecting the patient and others from potentially harmful or excessive radiation;
- (b) establishing of adequate protocols to ensure accurate patient dosimetry;
- (c) measuring and characterisation of radiation;
- (d) determining of delivered dose;
- (e) advancing of procedures necessary to ensure optimal image quality;
- (f) developing and directing of quality assurance programs;
- (g) assisting of health care professionals in optimising the balance between the beneficial and deleterious effects of radiation; and
- (h) teaching radiation protection education and training for practitioners.

(2) A medical physicist in the field of diagnostic radiology carries out the following acts -

- (a) developing specifications for imaging equipment and diagnostic radiation detectors;
- (b) developing procedures for the initial and continuing evaluation of imaging equipment and diagnostic radiation detectors;
- (c) providing evidence of compliance of imaging equipment with regulatory and accreditation agency rules and recommendations;
- (d) measuring and characterising of medical radiation from imaging equipment prior to clinical utilisation;
- (e) performing acceptance testing, evaluation and commissioning of imaging equipment and their associated computer systems, algorithms, data, and output;
- (f) developing or evaluating of policies and procedures related to the appropriate clinical use of radiation for imaging purposes;
- (g) reviewing diagnostic imaging dosimetry information noted in patient records;
- (h) developing and managing of a comprehensive quality management program that monitors, evaluates, and optimises imaging processes;
- (i) consulting on the development or evaluation of a comprehensive clinical radiation safety program in diagnostic imaging;
- (j) consulting patient or personnel radiation dose and associated risks;

- (k) providing diagnostic imaging physics training for practitioners;
  - (l) providing consultation to assure an optimised balance between image quality and patient dose;
  - (m) providing institutional consultation on program development in diagnostic imaging;
  - (n) planning and specifying thickness, material, and placement of shielding needed to protect patients, workers, the general public and the environment from radiation produced incident to diagnosis or treatment of humans;
  - (o) assessing and evaluating of installed shielding designed to protect patients, workers, the general public and the environment from radiation produced incident to diagnosis or treatment of humans;
  - (p) participating in informatics development and direction;
  - (q) applying other medical applications of physics as appropriate to safely carry out diagnostic radiologic procedures; and
  - (r) developing and applying medical health physics procedures associated with the practice of diagnostic radiology.
- (3) A medical physicist in the field of nuclear medicine carries out the following acts -
- (a) developing nuclear imaging and radioactivity measurement equipment specifications;
  - (b) developing procedures for the initial and continuing evaluation of nuclear imaging and radioactivity measurement equipment;
  - (c) providing evidence of compliance of nuclear imaging and radioactivity measurement equipment with regulatory, professional and accreditation agency rules and recommendations;
  - (d) measuring and characterising of medical radiation from radiopharmaceuticals prior to clinical utilisation;
  - (e) performing acceptance testing, evaluation and commissioning of nuclear imaging and radioactivity measurement equipment and their associated computer systems, algorithms, data, and output;
  - (f) evaluating nuclear imaging and radioactivity measurement procedures prior to clinical use;
  - (g) developing and evaluating of policies and procedures related to the appropriate clinical use of radiation for nuclear imaging, radiopharmaceutical therapy or radioactivity measurement purposes;
  - (h) reviewing of radiopharmaceutical dosimetry information noted in patient records;
  - (i) developing and managing of a comprehensive quality management program that monitors, evaluates, and optimises nuclear imaging, radiopharmaceutical therapy and radioactivity measurement processes;
  - (j) developing and evaluating a comprehensive clinical radiation safety program in nuclear medicine;

- (k) providing consultation on patient or personnel radiation dose and associated risks;
  - (l) providing institutional consultation on program development in medical nuclear imaging and radiopharmaceutical therapy;
  - (m) providing medical nuclear physics training for practitioners;
  - (n) providing of consultation to assure an optimised balance between image quality and patient dose;
  - (o) planning and specifying thickness, material, and placement of shielding needed to protect patients, workers, the general public and the environment from radiation produced incident to diagnosis or treatment of humans;
  - (p) assessing and evaluating installed shielding designed to protect patients, workers, and the general public from radiation produced incident to diagnosis or treatment of humans;
  - (q) participating in informatics development and direction;
  - (r) applying other medical applications of physics as appropriate to safely carry out nuclear medicine procedures; and
  - (s) developing and applying medical health physics procedures associated with the practice of nuclear medicine.
- (4) A medical physicist in the field of radiotherapy carries out the following acts -
- (a) developing equipment specifications for radiation therapy treatment, brachytherapy, simulation and radiation measurement;
  - (b) developing procedures for the initial and continuing evaluation of radiation therapy treatment, brachytherapy, simulation, and radiation measurement equipment;
  - (c) providing evidence of compliance of equipment for radiation therapy treatment, brachytherapy, simulation, and radiation detection, with regulatory and accreditation agency rules and recommendations;
  - (d) measuring and characterising medical radiation from radiation therapy treatment, brachytherapy, and simulation equipment prior to clinical utilisation;
  - (e) performing acceptance testing, evaluation and commissioning of equipment used for external-beam therapy, brachytherapy, simulation, treatment-planning and radiation detection;
  - (f) performing acceptance testing and evaluation of their associated computer systems, algorithms, data and output;
  - (g) approving radiation oncology technical procedures prior to clinical use;
  - (h) developing and evaluating, in conjunction with the medical practitioner, policies and procedures related to the appropriate therapeutic use of radiation;
  - (i) developing and evaluating, with the medical practitioner, the dosimetric component of patients' treatment plans;

- (j) reviewing of radiation oncology dosimetry information noted in patient records;
  - (k) developing and managing a comprehensive quality management program that monitors, evaluates, and optimizes radiation oncology processes;
  - (l) developing and evaluating a comprehensive clinical radiation safety program in radiation oncology;
  - (m) directing the radiation oncology physics program to include the technical direction of staff responsible for treatment planning, machine maintenance and repair and other physics support staff;
  - (n) providing consultation on patient or personnel radiation dose and associated risks;
  - (o) providing radiation oncology physics and radiation dosimetry training for practitioners;
  - (p) providing consultation to assure accurate radiation dose delivery;
  - (q) providing institutional consultation on program development in radiation oncology;
  - (r) planning and specifying thickness, material, and placement of shielding needed to protect patients, workers, the general public and the environment from radiation produced incident to diagnosis or treatment of humans;
  - (s) assessing and evaluating installed shielding designed to protect patients, workers and the general public from radiation produced incident to diagnosis or treatment of humans;
  - (t) using image procedures as they pertain to the simulation, treatment planning and treatment delivery in therapeutic radiologic procedures;
  - (u) involving in informatics development and direction;
  - (v) applying other medical applications of physics as appropriate to safely carry out therapeutic radiologic procedures; and
  - (w) developing and applying medical health physics procedures associated with the practice of therapeutic radiology.
- (5) A medical physicist in the field of radiation protection carries out the following acts -
- (a) planning and specifying thickness, material, and placement of shields needed to protect patients, workers, the general public and the environment from radiation produced incident to diagnosis or treatment of humans;
  - (b) assessing and evaluating installed shields designed to protect patients, workers, and the general public from radiation produced incident to diagnosis or treatment of humans;
  - (c) developing radiation protection equipment specifications;
  - (d) developing procedures for the initial and continuing evaluation of radiation protection equipment and procedures;

- (e) monitoring compliance with radiation protection policies and procedures, regulations, accreditation organisation standards and national recommendations;
- (f) performing acceptance testing and commissioning of radiation protection equipment and devices and commissioning of facilities;
- (g) performing acceptance testing and evaluation of radiation protection computer systems, their algorithms, data and output;
- (h) evaluating radiation safety procedures prior to use;
- (i) developing, managing and evaluating of radiation safety program;
- (j) providing radiation protection training for practitioners;
- (k) determining presence, evaluating and assessing any radiological hazard resulting from the use of ionising radiation or radioactivity for compliance with appropriate regulatory and accreditation agencies; and
- (l) performing duties and responsibilities of a medical radiation safety office or protection supervisor.

#### **ANNEXURE**

##### **CRITERIA PERTAINING TO MEDICAL PHYSICIST INTERNSHIP TRAINING PROGRAMME**

(Regulation 4)

A medical physicist intern must complete practical training during his or her 24 month period of internship in the following disciplines and for the time frames of at least -

- (a) 10 months clinical training of medical physicists in radiation oncology;
  - (b) three months clinical training of medical physicists in diagnostic radiology;
  - (c) six months clinical training of medical physicists in nuclear medicine;
  - (d) two months clinical training of medical physicists in radiation protection; and
  - (e) jurisprudence.
-