



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notice

### MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 317 2020

#### REGULATIONS RELATING TO REGISTRATION OF MEDICAL INTERNS, REGISTER FOR MEDICAL INTERNS AND RESTORATION OF NAMES TO REGISTER: MEDICAL AND DENTAL ACT, 2004

Under section 59(1) of the Medical and Dental Act, 2004 (Act No. 10 of 2004), on the recommendation of the Medical and Dental Council of Namibia, I have -

- (a) made the regulations set out in the Schedule; and
- (b) repealed the Regulations Relating to Registration of Medical Interns, published under Government Notice No. 84 of 17 March 2020.

**DR. K. SHANGULA**

**MINISTER OF HEALTH AND SOCIAL SERVICES**

Windhoek, 1 December 2020

### SCHEDULE

1. Definitions
2. Registration and training of medical interns before registration as medical practitioners
3. Period and manner of training by medical interns and agreements of internship

4. Cancellation of internship and change of name
5. Reports by approved facilities
6. Completion of internship
7. Register of medical interns
8. Removal of names of medical interns from register
9. Restoration of names of medical interns to register
10. Language of forms and documents

Annexure - Criteria pertaining to the period of medical internship programme

### **Definitions**

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

“approved facility” means -

- (a) a practice of a medical practitioner who is practicing in Namibia for a period of not less than three years; or
- (b) any state or private hospital as defined in section 1 of the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994), approved by the Council as a facility qualified and competent to train medical interns in accordance with these regulations;

“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);

“medical internship” means the training prescribed by these regulations, determined by the Council and applicable to a medical intern; and

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

### **Registration and training of medical interns before registration as medical practitioners**

2. (1) A person who holds a qualification prescribed under section 18(1) of the Act as a minimum requirement for registration as a medical practitioner under the Act must -

- (a) after obtaining such qualification; and
- (b) before he or she is registered as a medical practitioner,

make an application to the Council in accordance with section 19 of the Act to be registered as a medical intern and undertake training as a medical intern.

- (2) An application for registration as a medical intern must be accompanied by -
  - (a) documents and information contemplated in section 19(2) of the Act; and
  - (b) a certified copy of the identity document or passport of the applicant.

(3) Subject to subregulation (4) and if a person making an application for registration as a medical intern in accordance with subregulation (1) submits documentary proof to the satisfaction of the Council that he or she has -

- (a) completed a training substantially equivalent to the applicable training referred to in regulation 3 in another country at an appropriate institution in connection with the qualification concerned; or
  - (b) practised in another country as a medical practitioner by reason of the qualification concerned for such period and under such circumstances as may give him or her experience and training substantially equivalent to the applicable training referred to in regulation 3, the Council may, on such conditions as it may determine -
    - (i) exempt that person from the requirements of registration and training as a medical intern in Namibia; or
    - (ii) may reduce the period of training by such period as the Council may determine.
- (4) The Council may only exempt a person or reduce the period of training as contemplated in subregulation (3) if the Council is satisfied -
- (a) with the completion of the training or the practising as a medical practitioner as contemplated in that subregulation; and
  - (b) that the completion of such training or the practising as a medical practitioner is substantially equivalent to the training and practice referred to in regulation 3.

#### **Period and manner of training by medical interns and agreements of internship**

3. (1) The medical internship must be for a period of not less than two years, including vacation leave for a period not exceeding a month in respect of every year of internship completed and sick leave for a period not exceeding two months in total.

(2) If the medical internship is interrupted at any time the internship must consist of periods which, when added together, are not less than two years in total.

(3) Any period of interruption other than vacation leave or sick leave contemplated in subregulation (1) must be approved by the Council prior to the commencement of the interruption.

(4) The Council may approve the interruption referred to in subregulation (3) if the medical intern submits documentary proof to the Council that the approved facility has approved the intended interruption.

(5) Any vacation leave or sick leave taken in excess of the periods referred to in subregulation (1), must be added to the period of the medical internship referred to in that subregulation.

(6) The medical internship by a medical intern in accordance with these regulations must be conducted at an approved facility.

(7) The period of two years for medical internship referred to in subregulation (1) must be completed within a period of three years after the date of the first registration of a person as a medical intern.

(8) Subject to subregulation (9), if a medical intern fails to comply with subregulation (7), his or her registration as a medical intern must be regarded as having been cancelled, from the date on which the period of three years referred to in subregulation (7) is exceeded.

(9) The Council may, on good cause shown, extend the period referred to in subregulation (7), within which the medical internship must be completed by the medical intern.

(10) Before a person commences with his or her medical internship at an approved facility, he or she must -

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

(11) The Council must -

- (a) in writing, approve an approved facility for the purpose of the training of a medical intern before a medical intern may commence with his or her medical internship at the facility; and
- (b) issue to the approved facility referred to in paragraph (a) a certificate of approval in a form determined by the Council.

(12) The approval of an approved facility by the Council under subregulation (11) is valid for a period specified by the Council in the certificate of approval issued under that subregulation.

(13) Unless the Council on good cause shown otherwise determines, any period of medical internship completed by a medical intern under an agreement of internship cancelled or terminated before the completion of the relevant internship is void.

(14) A medical intern is, during his or her term of medical internship, subject to all the regulations and rules relating to professional conduct applicable to medical practitioners.

(15) The Council must furnish a medical intern with a copy of the regulations and rules relating to professional conduct referred to in subregulation (14) before the medical intern commences with his or her medical internship.

(16) The criteria pertaining to medical internship are as specified in the Annexure.

#### **Cancellation of internship and change of name**

4. (1) A medical intern must notify the Council in writing -

- (a) if he or she has terminated his or her medical internship with an approved facility within a period of 30 days of terminating the internship; or
- (b) if he or she intends to terminate his or her medical internship with the approved facility at which he or she is undertaking the internship and assume internship with another approved facility, not less than 30 days before such termination.

(2) A medical intern referred to in subregulation (1)(b) must provide the Council with -

- (a) proof of the cancellation of the existing agreement of the medical internship; and
- (b) a certified copy of the agreement of internship entered into between the medical intern and the approved facility at which the medical intern is to undertake his or her internship.

(3) If an approved facility becomes aware of any allegation which, in the opinion of the approved facility, reflects that the medical intern is failing to comply with -

- (a) the relevant agreement of medical internship; or
- (b) the standard of medical or patient care acceptable to, or required by, that facility,

the approved facility may in writing terminate the medical internship agreement with the medical intern and notify the Council of such termination within 30 days of the date of the termination.

- (4) If the name of a medical intern is changed for any reason, he or she must -
- (a) inform the Council in writing of the change of name within 30 days after the change of name; and
  - (b) submit to the Council documentary proof of the change of name and such other particulars relating to the change of name as the Council may require.

### **Reports by approved facilities**

5. (1) An approved facility with whom a medical intern has entered into an agreement of medical internship contemplated in regulation 3(10) must, during the medical internship and as soon as practicable, submit to the Council a report on any failure by the intern to comply with -

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

(2) Subject to regulation 8 and if -

- (a) a report contemplated in subregulation (1) contains an allegation that the intern is failing to comply with a standard of medical or patient care, these regulations or the agreement of internship as contemplated in that subregulation (1); or
- (b) if the Council becomes aware of any other allegation that, in the opinion of the Council, reflects negatively on the medical intern or on any aspect of the medical internship,

the Council may investigate any of the allegations in the manner that the Council determines.

### **Completion of internship**

6. (1) Upon the completion of the medical internship undertaken by a medical intern in accordance with these regulations, the intern must submit proof to the satisfaction of the Council, in the form of a certificate issued by the approved facility at which he or she completed the internship, that he or she has undertaken and completed the medical internship.

(2) The certificate referred to in subregulation (1) must be in such form and contain such particulars as determined by the Council.

(3) A medical intern may not be registered as a medical practitioner unless he or she has submitted to the Council the certificate referred to in subregulation (1).

### **Register of medical interns**

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

- (a) particulars of the approved facility where the medical intern is completing his or her internship;
- (b) the date on which the medical intern commenced with his or her medical internship and the date on which the intern completed the internship; and
- (c) any change in any of the particulars recorded in the register.

### **Removal of names of medical interns from register**

8. (1) If the Council under regulation 5(2) investigates the medical internship, the Council must afford the medical intern and the approved facility an opportunity to be heard on the matter.

(2) If after an investigation contemplated in subregulation (1) the Council is satisfied that the medical intern has failed to comply with a standard of medical or patient care acceptable to, or required by, the Council, these regulations or the applicable internship agreement, the Council may cancel the registration of the intern and remove the name of the intern from the register.

(3) The Council must inform the medical intern, in writing, not less than 30 days before the intended cancellation of the registration and the removal of his or her name from the register and inform the intern 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 and the removal of his or her name from the register.

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

### **Restoration of names of medical interns to register**

9. An application for the restoration of the name of a medical intern to the register in accordance with section 25 of the Act must be accompanied by -

- (a) the original registration certificate or if for any reason the original certificate cannot be submitted, proof to the satisfaction of the Council that the applicant has been registered; and
- (b) a declaration by two medical practitioners confirming the identity and good character of the applicant in such form as determined by the Council.

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

10. (1) Subject to subregulation (2), any form or document required to be submitted to the Council in terms of these regulations must be in the English language.

(2) Any form or document referred to in subregulation (1) that is not in the English language must be accompanied by a sworn translation of the form or document in English language, which translation must be acceptable to the Council.

ANNEXURE  
CRITERIA PERTAINING TO THE PERIOD OF MEDICAL  
INTERNSHIP PROGRAMME  
(Regulation 3)

A medical intern must complete the following training during his or her period of medical internship:

1. A compulsory rotation of a period of four months training in each of the following domains -
    - (a) general medicine;
    - (b) general surgery (including surgical trauma);
    - (c) obstetrics and gynaecology;
    - (d) paediatrics; and
    - (e) family practice and primary care, including mental health.
  
  2. A compulsory rotation of a period of two months training in each of the following domain -
    - (a) anaesthesiology; and
    - (b) orthopaedics and orthopaedic trauma.
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