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Government Notices

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 269

2019

REGULATIONS RELATING TO SCOPE OF PRACTICE OF ACUPUNCTURIST: ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), and on the recommendation of the Allied Health Professions Council of Namibia, I have made the regulations set out in the Schedule.

DR. K. SHANGULA
MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 3 September 2019

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Scope of practice of acupuncturist

Definitions

1. In these regulations, a word or expression defined in the Act bears that meaning and, unless the context indicates otherwise -

“acupuncturist” means a health professional who is qualified to provide acupunctural treatment to patients; and

“the Act” means the Allied Health Professions Act, 2004 (Act No. 7 of 2004).

Scope of practice of acupuncturist

2. The following acts are regarded as acts falling within the scope of practice of an acupuncturist -

- (a) conducting the necessary diagnostic procedures including -
 - (i) pulse reading;
 - (ii) tongue examination;
 - (iii) temperament evaluation;
 - (iv) history taking; and
 - (v) palpation;
- (b) applying treatment plans including the treatment principles of acupuncture, methods and therapeutic choice, which includes -
 - (i) acupuncture;
 - (ii) acupressure;
 - (iii) acupotomy treatment;
 - (iv) ahshi acupuncture;
 - (v) auricular therapy;
 - (vi) bone setting;
 - (vii) catgut embedding therapy;
 - (viii) coining or spooning therapy (Gua Sha);
 - (ix) cupping therapy (Ba Guan);
 - (x) cosmetic acupuncture;
 - (xi) electro-acupuncture;
 - (xii) embedding therapy;
 - (xiii) healthy exercise (Gong Fa);

- (xiv) lifestyle management;
- (xv) magnet therapy;
- (xvi) medical acupuncture;
- (xvii) moxibustion;
- (xviii) needling point injection;
- (xix) scalp acupuncture;
- (xx) Tai Chi; and
- (xxi) Tui Na.

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 270

2019

REGULATIONS RELATING TO MINIMUM REQUIREMENTS OF STUDY FOR
REGISTRATION AS CHINESE MEDICINE PRACTITIONER AND ACUPUNCTURIST,
CHINESE MEDICINE PRACTITIONER AND ACUPUNCTURIST INTERNS AND SCOPE OF
PRACTICE AND ADDITIONAL QUALIFICATIONS:
ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), and on the recommendation of the Allied Health Professions Council of Namibia, I have made the regulations set out in the Schedule.

DR. K. SHANGULA
MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 3 September 2019

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions
2. Minimum qualifications required for registration as Chinese medicine practitioner and acupuncturist
3. Application for registration as Chinese medicine practitioner and acupuncturist
4. Registration as Chinese medicine practitioner and acupuncturist
5. Registration and training of Chinese medicine practitioner and acupuncturist interns
6. Agreement of internship training
7. Duration of internship
8. Internship
9. Reports by approved facility
10. Change of name or address
11. Completion of internship
12. Register of Chinese medicine practitioner and acupuncturist
13. Register of Chinese medicine practitioner and acupuncturist interns
14. Registration of specialties and additional qualifications
15. Requirements for registration of specialty and additional qualification
16. Change of name or cessation of specialty practice

17. Removal of name from register by Council
18. Restoration of name to register
19. Language of forms and documents
20. Scope of practice Chinese medicine practitioner and acupuncture

ANNEXURE Criteria pertaining to internship training program

Definitions

1. In these regulations, a word or expression defined in the Act bears that meaning and, unless the context indicates otherwise -

“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 an 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);

“intern” means a Chinese medicine practitioner and acupuncturist intern registered as such under these regulations;

“registration authority” means the registration authority of a foreign country responsible for the registration of a person to practice as a Chinese medicine practitioner and acupuncturist in that country; and

“the Act” means the Allied Health Professions Act, 2004 (Act No. 7 of 2004).

Minimum qualifications required for registration as Chinese medicine practitioner and acupuncturist

2. (1) The Council may register a person as a Chinese medicine practitioner and acupuncturist if that person holds any of the following qualifications -

- (a) a Bachelor of Science degree in Complementary Health Sciences and a Bachelor of Complementary Medicine degree in Chinese medicine and acupuncture;
- (b) a Bachelor’s degree (Honours) in Traditional Chinese medicine and acupuncture; or
- (c) any equivalent qualifications in traditional Chinese medicine and acupuncture, after successful completion of fulltime study for a period of not less than five years.

(2) The qualification referred to in subregulation (1) must include the following subjects:

- (a) medical biology;
- (b) traditional Chinese herbal medicine;
- (c) anatomy;
- (d) traditional Chinese pharmacology;
- (e) physiology;

- (f) pathology;
- (g) parasitology;
- (h) Chinese internal medicine;
- (i) acupuncture and moxibustion;
- (j) pharmacology;
- (k) western internal medicine;
- (l) diagnostic radiology;
- (m) gynaecology of traditional Chinese medicine and western medicine;
- (n) ophthalmology of traditional Chinese medicine;
- (o) science of traditional Chinese medicine;
- (p) orthopedics of traditional Chinese medicine;
- (q) surgery of western medicine;
- (r) otorhinolaryngology of traditional Chinese medicine;
- (s) basic diagnostics;
- (t) tuinaology;
- (u) basic theories of Chinese medicine;
- (v) diagnostics of Chinese medicine; and
- (w) acupuncture of meridians and acupoints.

Application for registration as Chinese medicine practitioner and acupuncturist

3. (1) A person applying for registration as a Chinese medicine practitioner and acupuncturist must submit an application to the registrar in terms of subsection (1) of section 20 of the Act, accompanied by the documents and particulars specified in subsection (2) of that section and the following:

- (a) a certified photocopy of his or her identity document or passport;
- (b) a certificate issued by Council certifying that the person has passed the evaluation referred to in section 21(3) of the Act, where applicable; and
- (c) subject to subregulation (2), the original certificate of registration issued by the registration authority of the country authorising the person to practice as a Chinese medicine practitioner and acupuncturist where he or she obtained the qualification.

(2) Where a person is not registered with the registration authority referred to in subregulation (1)(c), the person must submit to the registrar together with his or her application for registration the following:

- (a) a certificate, issued by such registration authority, certifying that the person's qualification entitles him or her to register as a Chinese medicine practitioner and acupuncturist in the country where he or she obtained the qualification; or
 - (b) a certificate confirming registration under subregulation (a) and removal of his or her name from the register specifying the grounds for such removal.
- (3) The Council may require the applicant to furnish proof of the applicant's proficiency in the English language in the manner the Council may determine.

Registration as Chinese medicine practitioner and acupuncturist

4. The Council, on application made to it under regulation 3, may register a person as a Chinese medicine practitioner and acupuncturist if the person -

- (a) is the holder of a minimum qualification required for that registration and prescribed as such in terms of regulation 2(1);
- (b) subject to regulation 5(7), has completed internship training at an approved facility for a period of 12 months; and
- (c) has during that period referred to in subparagraph (b), successfully completed practical training in the main domains and disciplines set out in the Annexure.

Registration and internship training of Chinese medicine practitioner and acupuncturist interns

5. (1) An application for registration as a Chinese medicine practitioner and acupuncturist intern must be -

- (a) made in the form that the Council determines; and
 - (b) submitted to the Registrar.
- (2) An application referred to in subregulation (1) must be accompanied by -
- (a) an original qualification or a certified copy of the qualification referred to in regulation 2(1) as proof that the applicant is the holder of a prescribed minimum qualification referred to in section 19(1) of the Act.
 - (b) a certificate of good standing, if the applicant had been registered previously in a country other than Namibia as an 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 Chinese medicine practitioner and acupuncturist intern;
 - (c) a certified photocopy of the identity document or the passport of the applicant;
 - (d) a certified copy of the agreement of internship training entered into between the applicant and an approved facility;
 - (e) additional documents and information that the Council determines; and
 - (f) payment of the application fees, determined by the Council, relating to the registration of an intern.

(3) If the applicant referred to in subregulation (1) is no longer registered with the registration authority, the applicant must submit to the registrar, together with his or her application for registration, a certificate issued by that registration authority confirming that previous registration and specifying the grounds for the removal of the name of the applicant from the register.

(4) The Council may require the applicant to furnish proof of proficiency of the applicant in the English language.

(5) After considering an application for registration as an intern, the Council -

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

(i) complies with the requirements for registration as an 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 an intern; or

(ii) has not complied with these regulations.

(6) The Council must -

(a) inform the applicant in writing of the decision of the Council under subregulation (5);

(b) issue to the applicant a certificate of registration as an intern, if the application for registration as an intern is granted and enter the name of the applicant into the register;

(c) inform the applicant in writing, if the application for registration as an intern is refused, as soon as practicable of the reasons for the refusal.

(7) The Council may exempt, on the conditions that it may determine, a person from the requirements of registration and training as an intern in accordance with these regulations, or may reduce the prescribed period of training as an intern by a 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 that other country pertaining to the registration of Chinese medicine practitioner and acupuncturists or Chinese medicine practitioner and acupuncturist interns; or

(b) practiced, in accordance with the laws of that country, as a Chinese medicine practitioner and acupuncturist for the period and under the circumstances as may afford him or her, experience and training substantially equivalent to the applicable internship training recommended by regulation (4).

(8) A person who is not a holder of a prescribed minimum qualification contemplated by regulation 2(1) that is required for registration as a Chinese medicine practitioner and acupuncturist under the Act may not be registered as a Chinese medicine practitioner and acupuncturist intern under these regulations.

Agreement of internship training

6. (1) An agreement of internship training entered into between an approved facility and an intern must -

- (a) be in the form and contain the particulars that the Council determines;
- (b) provide for practical training in the main domains and disciplines specified in the Annexure, that is adequate and satisfactory for the purposes of the internship; and
- (c) be approved by the Council.

(2) If at any time during the period of internship of an intern 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 the Chinese medicine practitioner and acupuncturist intern, after having afforded them the opportunity to be heard.

(3) Unless the Council otherwise determines, any period of internship completed by an intern under an agreement of internship in respect of which the Council withdraws its approval in accordance with subregulation (2), or that is terminated before the completion of the internship, for the purposes of regulation 5, is invalid.

Duration of internship

7. (1) If the internship training referred to in regulation 8 is interrupted at any point in time, the period of interruption must be added to the period of the internship training so that, despite any other provision of these regulations, an intern receives internship training for a total period of not less than 12 months.

(2) An interruption, irrespective of the length of the interruption referred to in subregulation (1), includes any leave or sick leave taken by an intern and any other absence from the internship training, whether with or without the approval of the Council, during the period of internship.

(3) The period of 12 months internship referred to in subregulation (1) must be completed within a period not exceeding two years after the date of the first registration of the relevant person as a Chinese Medicine practitioner and acupuncture intern.

(4) Where an intern fails to comply with subregulation (1), the intern's registration as an intern must be regarded as cancelled subject to subregulation (3), as from the date upon which the period of two years prescribed by that subregulation (3) is exceeded.

(5) The Council may extend, at its discretion at any time and on good cause shown, the two-year period prescribed by subregulation (3).

Internship

8. (1) Before a person may commence with the Chinese medicine practitioner and acupuncturist internship at an approved facility, the person must -

- (a) enter into a written agreement of internship with that approved facility; and
- (b) register with the Council as an intern in accordance with these regulations.

(2) A Chinese medicine practitioner and acupuncturist intern is subject, during his or her term of internship, to all the professional conduct regulations and rules applicable to a Chinese medicine practitioner and acupuncturist.

(3) The Council must furnish an intern, before the commencement of the interns' internship, with a copy of the professional conduct regulations and rules referred to in subregulation (2).

(4) A Chinese medical practitioner and acupuncturist intern must notify the Council in writing -

(a) as soon as the intern commences internship, of that commencement and furnish the Council with -

(i) the name and business address, including the telephone number and other particulars that the Council may require, of the approved facility where the intern has commenced internship; and

(ii) the residential and postal addresses of the intern;

(b) if the intern intends to terminate the internship with the approved facility referred to in paragraph (a), within 30 days after termination;

(c) if the intern intends to -

(i) terminate the internship with the approved facility referred to in paragraph (a); and

(ii) commence internship with any other approved facility of the intended termination of internship not less than 30 days before the date of the intended date of commencement of internship at any other approved facility, and submit to the Council the new agreement of internship.

Reports by approved facility

9. (1) Every approved facility with which a Chinese medicine practitioner and acupuncturist intern has entered into an agreement of internship contemplated by regulation 4(1), must during that internship and subject to subregulation (2), submit to the Council a written progress report on that internship and that intern, not less than every six months in the form and containing the particulars that the Council determines.

(2) Despite subregulation (1) -

(a) the Council, may require an approved facility to submit to the Council, within the period determined by the Council and specified by that request, a written report on the internship contemplated by that subregulation; and

(b) an approved facility must report to the Council in writing and as soon as practicable and submit to the Council a report on any failure by an intern to comply with -

(i) a standard of Chinese medicine practitioner and acupuncturist or patient care acceptable to, or required by, the Council; or

(ii) these regulations or the relevant agreement of internship.

- (3) If -
- (a) any report contemplated in this regulation contains any allegation that the intern is failing to comply with -
- (i) a standard of Chinese medicine practitioner and acupuncturist or patient care acceptable to, or required by the Council;
- (ii) these regulations or the relevant agreement of internship; or
- (b) the Council becomes aware of any other allegation that reflects, in the opinion of the registrar, negatively on the 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 17.

Change of name or address

10. If the name or surname, or residential or postal address, of an intern is changed for any reason, the intern must -

- (a) give written notice to the Council of the change of name or residential or postal address, 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

11. (1) On the completion of the internship training prescribed by these regulations, the 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 or approved facilities where he or she completed the internship.

(2) The Council may not register a person as a Chinese medicine practitioner and acupuncturist unless that person has submitted to the Council the certificate referred to in subregulation (1).

Register of Chinese medicine practitioner and acupuncturist

12. The register of Chinese medicine practitioners and acupuncturists established and kept in terms of section 24 of the Act must contain, in addition to the particulars specified by subsection (3) of that section, particulars of -

- (a) the specialities and additional qualifications registered against the name of the Chinese medicine practitioner and acupuncture concerned in accordance with section 31(4) of the Act; and
- (b) any change in any of the particulars recorded in the register.

Register of Chinese medicine practitioner and acupuncturist interns

13. The register of Chinese medicine practitioner and acupuncturist interns established and kept in terms of section 24 of the Act must contain, in addition to the particulars specified by subsection (3) of that section, particulars of -

- (a) the approved training facility where the Chinese medicine practitioner and acupuncturist intern is completing the internship;
- (b) the name of the tutor Chinese medicine practitioner and acupuncturist responsible for supervising the training of the Chinese medicine practitioner and acupuncturist intern;
- (c) the date upon which the internship commences and is to be completed; and
- (d) any change in any of the particulars recorded in the register.

Registration of specialties and additional qualifications

14. The Council may register qualifications as specialties and additional qualifications if -

- (a) the educational institution at which that person obtained that specialty and additional qualification complies with the Act;
- (b) the registration authority responsible for the registration of a person to practice as a Chinese medicine practitioner and acupuncturist in the country in which that person obtained the qualification recognises that specialty and additional qualification for registration; and
- (c) that specialty and additional qualification obtained in or outside Namibia complies with the other requirements determined by the Council.

Requirements for registration of specialty and additional qualification

15. An application in terms of section 32 of the Act for registration as a specialty must be accompanied by, in addition to the documents and particulars specified in subsection (3) of that section, a certified copy of the identity document or valid passport of the applicant.

Change of name or cessation of specialty practice

16. A specialist who changes his or her name or surname or discontinues practicing a specialty must notify the registrar in writing of the change or the cessation of the practice of the specialty within 30 days after the date of the occurrence of the change or cessation.

Removal of name from register by Council

17. (1) If the Council under regulation 9(3), conducts an investigation into an internship, it must afford the intern and the approved facility involved the opportunity to be heard on the matter.

(2) If after an investigation contemplated by subregulation (1), the Council is satisfied that the intern has failed to comply with -

- (a) a standard of Chinese medicine practitioner and acupuncturist or patient care acceptable to or required by the Council;
- (b) with these regulations; or
- (c) the applicable internship agreement,

the Council may cancel, subject to subregulation (3), the registration of the internship and remove the name of the intern from the register.

- (3) The Council must inform the intern -
 - (a) in writing not less than 30 days before the intended cancellation of the registration of that intern and the removal of the intern's name from the register; and
 - (b) that the intern 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 an intern and the removal of his or her name from the register.

(4) If the Council cancels the registration of any person as an intern and removes that name from the register, it must inform that intern and the approved facility in writing of that cancellation and removal, which written notice must be delivered to that intern and approved facility in person.

Restoration of name to register

18. An application in terms of subsection (1) of section 26 of the Act for the restoration of the name of a person to the register must, in addition to the documents specified in 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

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

(2) Any document referred to in subregulation (1), that is not in English must be accompanied by a sworn translation of it in English.

Scope of practice Chinese medicine practitioner and acupuncture

20. (1) The following acts are regarded as acts which fall within the scope of practice of a Chinese medicine practitioner and acupuncturist -

- (a) conducting the necessary diagnostic procedures including -
 - (i) pulse reading;
 - (ii) tongue examination;
 - (iii) temperament evaluation;
 - (iv) history taking; and
 - (v) palpation;
- (b) making an appropriate disease-diagnosis and syndrome-differentiation diagnosis based upon Chinese medical concepts;

- (c) advising on clinical situations where it would not be adequate to use only Chinese medicine methods;
- (d) implement and carry out a treatment plan, including the treatment principles of Chinese medicine and acupuncture, methods and therapeutic choice, including -
 - (i) acupuncture;
 - (ii) acupressure;
 - (iii) acupotomy treatment;
 - (iv) ahshi acupuncture;
 - (v) auricular therapy;
 - (vi) bone setting;
 - (vii) catgut embending therapy;
 - (viii) coining or spooning therapy(Gua Sha);
 - (ix) cupping therapy (Ba Guan);
 - (x) cosmetic acupuncture;
 - (xi) electro-acupuncture;
 - (xii) embedding therapy;
 - (xiii) healthy exercise(Gong Fa);
 - (xiv) lifestyle management;
 - (xv) magnet therapy;
 - (xvi) medical acupuncture;
 - (xvii) moxibustion;
 - (xviii) needling point injection;
 - (xix) scalp acupuncture;
 - (xx) tai chi; and
 - (xxi) tui na.

(2) Subject to section 31(1) of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003), a Chinese medicine practitioner and acupuncture may prescribe or supply to a patient -

- (a) a Chinese medicine substance or mixture of a herbal substance in a Chinese medicine form and in a Chinese medicine dose or potency; and

- (b) substances, preparations and mixtures of substances that are not medicines or scheduled substances.

ANNEXURE
CRITERIA PERTAINING TO THE 12 MONTH PERIOD INTERNSHIP
TRAINING
PROGRAMME
(Regulation 4)

The approved facility with which the Chinese medicine practitioner and acupuncturist intern has entered into an agreement of internship in accordance with regulation 4, must provide the intern, to the degree and extent that the Council may determine, and to the satisfaction of the Council, with practical training in the main domains of, or relating to -

- (a) acupuncture points;
 - (b) acupuncture treatment;
 - (c) systems of Acupuncture;
 - (d) yin-Yang Theory;
 - (e) Luo (meridians);
 - (f) theory and practice of scientific socialism;
 - (g) clinical and experimental research of acupuncture;
 - (h) modern tuina application and research; and
 - (i) traditional Chinese medicine research thoughts and methods.
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