



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notice

### MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 308

2024

#### REGULATIONS RELATING TO REGISTRATION OF MEDICAL PRACTITIONERS AND SPECIALISTS TO UNDERGO TRAINING IN SPECIALITIES OR SUB-SPECIALITIES: 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 made the regulations set out in the Schedule.

**DR. K. SHANGULA**

**MINISTER OF HEALTH AND SOCIAL SERVICES**

Windhoek, 11 September 2024

### SCHEDULE

#### ARRANGEMENT OF REGULATIONS

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## 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 otherwise indicates –

“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);

“clinical experience” includes a training in which a medical practitioner or specialist clinically examine a patient, observes direct patient care or provide other healthcare services to the patient;

“Regulations Relating to Specialities and Sub-Specialities” means the Regulations Relating to Registration of Medical Practitioners, Qualifications that may be Registered as Specialities and Maintaining of Registers of Medical Practitioners, published under Government Notice No. 88 of 18 March 2022;

“specialist” means a medical practitioner in whose name a speciality is registered in accordance with section 31 of the Act;

“speciality” means a speciality as defined in regulation 1 of the Regulations Relating to Specialities and Sub-Specialities;

“sub-speciality” means a sub-speciality as defined in regulation 1 of the Regulations Relating to Specialities and Sub-Specialities;

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

“training” includes both theoretical and practical experience offered to a medical practitioner undergoing training in a speciality or a specialist undergoing training in sub-speciality at a training hospital and educational institution; and

“training hospital” means a hospital or other institution –

- (a) approved or recognised by the registering authority in Namibia or by a registering authority of a foreign country in which the training hospital is situated; and
- (b) that provides training to enable a medical practitioner to be registered as a specialist or a specialist to be registered as a sub-specialist.

## Requirements for registration to undergo training in speciality or sub-speciality

**2.** (1) A person who intends to undergo training –

- (a) in a speciality must be a person registered as a medical practitioner; or
- (b) in a sub-speciality must be a medical practitioner registered as a specialist.

(2) A –

- (a) medical practitioner who intends to undergo training in speciality; or
- (b) specialist who intends to undergo training in sub-speciality,

must apply to the Council for registration to undergo training in the speciality or sub-speciality.

(3) The application for registration to undergo training in a speciality or sub-speciality must –

- (a) be made on a form determined by the Council;
- (b) be submitted to the registrar; and
- (c) in addition to the requirements set out in section 31(3) of the Act, be accompanied by –
  - (i) a certified copy of the identity document or the passport of the medical practitioner or specialist;
  - (ii) a certified copy of the certificate of registration as a medical practitioner or specialist;
  - (iii) if the medical practitioner or specialist had been registered previously in a country other than Namibia as a medical practitioner or specialist or is still so registered, a certificate of good standing issued by the registering authority which the medical practitioner or specialist had been or is still so registered, which certificate is issued not more than 120 days before the date of the submission of the application to undergo training in a speciality or sub-speciality;
  - (iv) proof of registration with the educational institution where the medical practitioner intends to undergo training in a speciality or where the specialist intends to undergo training in a sub-speciality; and
  - (v) proof of clinical appointment in the speciality or sub-speciality at a training hospital where the medical practitioner or specialist is to acquire clinical experience.
- (4) A medical practitioner or specialist from a foreign country –
  - (a) who is applying to the Council to undergo training in a speciality or sub-speciality in Namibia; and
  - (b) whose name was previously removed from, and restored to, the register of medical practitioners or specialist,

must submit to the Council –

- (i) a notice of removal of his or her name from the register;
- (ii) a certificate issued by the registering authority in that foreign country confirming the removal of the name of the medical practitioner or specialist from the register and specifying the grounds for the removal; and

- (iii) a notice of restoration of the name of the medical practitioner or specialist to the register of medical practitioners or specialists.

### **Registration to undergo training in speciality or sub-speciality**

**3.** (1) The Council must consider the application to undergo training in a speciality or sub-speciality submitted in terms of regulation 2.

(2) For the purposes of determining the application to undergo training in a speciality or sub-speciality, the Council may require a medical practitioner or specialist to furnish proof of his or her proficiency in the English language in a manner determined by the Council.

(3) If the Council is satisfied that the –

- (a) medical practitioner meets the requirements for registration to undergo training in a speciality; or
- (b) specialist meets the requirements for registration to undergo training in a sub-speciality,

under these regulations and complied with any other provisions of the Act, the Council must –

- (i) register the medical practitioner or specialist as a medical practitioner or specialist undergoing training in the speciality or sub-speciality;
- (ii) on a form determined by the Council, issue the –
  - (aa) medical practitioner with a certificate of registration as a medical practitioner undergoing training in a speciality; or
  - (bb) specialist with a certificate of registration as a specialist undergoing training in the sub-speciality; and
- (iii) enter the name of the medical practitioner or specialist in the register of medical practitioners or specialists undergoing training in the speciality or sub-speciality.

(4) A certificate of registration issued under subregulation (3) must state the period of registration and any other conditions that the Council may impose to the registration.

(5) A –

- (a) medical practitioner who is undergoing training in a speciality; or
- (b) specialist who is undergoing training in a sub-speciality,

before the commencement of these regulations is, on commencement of these regulations, deemed to have been registered as a medical practitioner or specialist undergoing training in the speciality or sub-speciality in terms of these regulations.

(6) The Council must refuse to register a medical practitioner or specialist to undergo training in a speciality or sub-speciality if the Council is satisfied that the medical practitioner or specialist –

- (a) does not meet the requirements for registration to undergo training in a speciality or sub-speciality in terms of these regulations; or

- (b) has not complied with any other provisions of the Act.

(7) If the application for registration to undergo training in a speciality or sub-speciality is refused, the Council must inform the medical practitioner or specialist, in writing, and the grounds for refusal as soon as practicable.

#### **Medical practitioners or specialists registered with foreign educational institutions**

4. A medical practitioner or specialist who is –
- (a) undergoing training in a speciality or sub-speciality at a training hospital in Namibia; and
- (b) registered with an educational institution in a foreign country,

must ensure that the training hospital in Namibia is recognised and approved by that foreign educational institution for the purposes of the training.

#### **Supervision of medical practitioners or specialists undergoing training in speciality or sub-speciality**

5. (1) A medical practitioner who is undergoing training in a speciality at a training hospital must be supervised by a specialist in the speciality undertaken by the medical practitioner.

(2) A specialist who is undergoing training in a sub-speciality at a training hospital must be supervised by a specialist in the sub-speciality undertaken by the specialist.

#### **Completion of training in speciality or sub-speciality**

6. (1) On the completion of the training in a speciality or sub-speciality, the medical practitioner or specialist must submit to the Council –

- (a) a certified copy of the qualification issued by the educational institution; and
- (b) proof of clinical experience issued by the training hospital,

where the medical practitioner or specialist undertook training in the speciality or sub-speciality.

(2) A medical practitioner or specialist referred to in subregulation (1) who intends to practise in Namibia after completion of his or her training in a speciality or sub-speciality must, in accordance with the Regulations Relating to Specialities and Sub-Specialities, apply to Council to have such speciality or sub-speciality entered against his or her name in the register referred to in section 31(2) of the Act.

#### **Register of medical practitioners and specialists undergoing training in speciality or sub-speciality**

7. The register of medical practitioners or specialists undergoing training in a speciality or sub-speciality established and kept in accordance with subsection (2) of section 23 of the Act must, in addition to the particulars specified by subsection (3) of that section, contain particulars of any change in any of the particulars recorded in the register.

#### **Removal of names from register**

8. (1) The Council must remove the name of a medical practitioner or specialist

undergoing training in a speciality or sub-speciality from the register of medical practitioners or specialists undergoing training in speciality or sub-speciality if the medical practitioner or specialist –

- (a) completes his or her training in the speciality or sub-speciality;
  - (b) submits the certified copy of the qualification issued by the educational institution; and
  - (c) submits proof of clinical experience issued by the training hospital as contemplated in regulation 6.
- (2) If –
- (a) a training hospital or an educational institution provides the Council with a report containing allegations that a medical practitioner or specialist undergoing training in a speciality or sub-speciality is failing to comply with the standard of medical or patient care acceptable to, or required by, the Council, or with any other requirement relating to the speciality or sub-speciality; or
  - (b) the Council becomes aware of any other allegation that, in the opinion of the Council, reflects negatively on the medical practitioner or specialist undergoing training in a speciality or sub-speciality or on any aspect of his or her training,

the Council may, subject to subregulation (3), cancel the registration and remove the name of the medical practitioner or specialist from the register of medical practitioners or specialists undergoing training in speciality or sub-speciality.

(3) Before the Council cancels and removes the name of the medical practitioner or specialist as contemplated in subregulation (2), the Council must afford the medical practitioner or specialist an opportunity to make representations on the matter.

(4) If the Council under subregulation (2) decides to cancel and remove the name of the medical practitioner or specialist as contemplated in that subregulation, the Council must, in writing, inform the training hospital, educational institution and medical practitioner or specialist at least 30 days before the intended cancellation of registration and removal of the name of the medical practitioner or specialist from the register of medical practitioners and specialists undergoing training in the speciality or sub-speciality.

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

9. (1) 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) which is not in the English language must be accompanied by a sworn translation of that form or document into the English language.

### **Offences**

10. A person who is –

- (a) not registered as a medical practitioner and who undergoes or attempts to obtain any training in a speciality;

- (b) not registered as a specialist and who undergoes or attempts to obtain any training in a sub-speciality; or
- (c) registered as a medical practitioner or specialist and undertakes training in a speciality or sub-speciality without being registered with the Council in terms of these regulations,

commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

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