Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Health Professions Act 16 of 2024

section 95(10)

Regulations relating to the Registration of Clinical Technologists of Specialties and Additional Qualifications, the Keeping of Registers and the Restoration of a Name to a Register

Government Notice 275 of 2010

(GG 4633)

came into force on date of publication: 21 December 2010

These regulations were made in terms of section 55 read with sections 24, 26 and 32 of the Allied Health Professions Act 7 of 2004, which was repealed by the Health Professions Act 16 of 2024. Pursuant to section 95(10) of the Health Professions Act 16 of 2024, they are deemed to have been made under that Act.

The Government Notice which publishes these regulations notes that they were made on the recommendation of the Allied Health Professions Council of Namibia. The title of the regulations appears to be missing a comma between "Clinical Technologists" and "of Specialties".

ARRANGEMENT OF REGULATIONS

PART I
PRELIMINARY

Definitions

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

"additional qualification" means an additional qualification referred to in section 32(1)(a) of the Act and prescribed by regulation 8;

"applicant" means the person submitting an application to the Council 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);

"registration authority" means the registration authority of a country responsible for the registration of a person to practise as a clinical technologist in that country;

"speciality" means a speciality referred to in section 32(1)(b) of the Act and prescribed by regulation 4; and

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

[The Allied Health Professions Act 7 of 2004 has been replaced by the Health Professions Act 16 of 2024.]

PART II
REGISTRATION OF CLINICAL TECHNOLOGISTS

Application for registration as a clinical technologist and submitting of particulars

2. (1) An application for the registration of a person as a clinical technologist in accordance with subsection (1) of section 20 of the Act must be accompanied, in addition to the documents, particulars and payments specified in subsection (2) of that section, by -

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

(b) a certificate issued by the Council in the form that the Council may determine, certifying that the applicant has passed the evaluation referred to in section 21(3) of the Act, if applicable; and

(c) subject to subregulation (2), the original certificate of registration to practise as a clinical technologist in the country in which the applicant obtained the qualification referred to in paragraph (a) of that subsection (2), issued by the registration authority of that country.

(2) If the applicant is not registered with the registration authority referred to in paragraph (c) of subregulation (1), he or she must submit to the registrar, together with his or her application for registration -

(a) a certificate, issued by that registration authority, certifying that the qualification of which the applicant is the holder, entitles him or her to registration as a clinical technologist in the country in which the applicant obtained the qualification; or

(b) if he or she had been so registered previously, a certificate issued by that registration authority certifying that the applicant had been so registered, that his or her name has been removed from the register and the grounds for the removal.

(3) The Council may require the applicant to furnish, in the manner that the Council may determine, proof of the applicant's proficiency in the English language.

Additional education, tuition and training

3. (1) If the Council registers a person conditionally under section 22(2)(a) of the Act, the Council must determine the additional education, tuition or training that the person so conditionally registered requires in order to qualify for registration as a clinical technologist under the Act.

(2) Particulars of the additional education, tuition or training, as the case may be, referred to in subregulation (1) must be endorsed by the Council upon the certificate of conditional registration issued by the Council in the name of that person under section 22(2)(b) of the Act.

PART III
REGISTRATION OF SPECIALITIES AND ADDITIONAL QUALIFICATIONS

Registrable specialities

4. (1) For the purposes of section 32(1)(b) of the Act -

(a) a Doctorate; or

(b) a Master of Science Degree,

in Clinical Technology is a speciality that may be registered, subject to compliance with these regulations, in the name of a clinical technologist.

(2) The standard of the education, tuition and training provided by an educational institution in respect of a speciality prescribed by subregulation (1) must be adequate and satisfactory, in the opinion of the Council.

(3) A speciality prescribed by subregulation (1) must only be registered by the Council if -

(a) it has been obtained at an educational institution approved by the Council for that purpose, after receiving full time education, tuition and training at that educational institution; and

(b) the registration authority responsible for the registration of persons to practise as clinical technologists in the country in which that person obtained that qualification, recognises that qualification for registration as a speciality in that country.

Application for the registration of a speciality and submitting of particulars

5. (1) An application for the registration of a speciality in accordance with subsection (2) of section 32 of the Act, must be accompanied, in addition to the documents, information and payments specified in subsection (3) of that section and subregulation (2) of this regulation, by a certified photocopy of the -

(a) registration certificate of the applicant; and

(b) identity document or passport of the applicant.

(2) If the speciality that the applicant wishes to register is a speciality obtained in a country other than Namibia, the application referred to in subregulation (1) must be accompanied by a certificate issued by the registration authority of that country certifying that the qualification complies with paragraph (b) of subregulation (3) of regulation 4.

Conditions applicable to the practising of a speciality

6. (1) A specialist clinical technologist -

(a) may conduct tests on a patient referred to him or her by a medical practitioner registered as such under the Medical and Dental Act, 2004 (Act No. 10 of 2004), as requested by that medical practitioner in the referral;

(b) must report to the medical practitioner who referred the patient to him or her as prescribed by paragraph (a), the results of the tests conducted by him or her on that patient;

(c) must confine his or her practice to the speciality registered in his or her name;

(d) must not take over a patient from another clinical technologist, whether practising as a specialist or as a clinical technologist, without the written consent of that clinical technologist, unless consent to that taking over is unreasonably withheld; and

(e) may charge fees for procedures which usually pertain to another speciality in clinical technology only if the procedures are also recognised in his or her speciality as generally accepted practice, but -

(i) those fees may not exceed the fees charged by a clinical technologist specialist for the same procedures; and

(ii) the procedures must be conducted only relating to his or her *bona fide* patients.

Cessation of speciality practice

7. A specialist who discontinues to practise his or her speciality must notify the registrar in writing thereof within a period of 30 days after the date upon which he or she so ceases to practise that speciality.

[The phrase "discontinues to practise" should be "discontinues practicing" or "ceases to practise".]

Registrable additional qualifications

8. (1) The following qualifications may be registered as additional qualifications under section 32 of the Act, subject to compliance with the requirements of the Act and of these regulations:

(a) A bachelors degree in clinical technology (cardiology);

(b) a bachelors degree in clinical technology (cardio-vascular perfusion);

(c) a bachelors degree in clinical technology (critical care);

(d) a bachelors degree in clinical technology (nephrology);

(e) a bachelors degree in clinical technology (neurophysiology);

(f) a bachelors degree in clinical technology (pulmonology); or

(g) a bachelors degree in clinical technology (reproductive biology).

(2) An additional qualification prescribed by subregulation (1) must only be registered by the Council if -

(a) it has been obtained at an educational institution approved by the Council for that purpose, after receiving education, tuition and training at that educational institution for a period of not less than 3 years; and

(b) the registration authority responsible for the registration of persons to practise as clinical technologists in the country in which that person obtained that qualification,

recognises that qualification for registration as an additional qualification in that country.

Requirements for registration of an additional qualification

9. (1) An application for the registration of an additional qualification in accordance with subsection (2) of section 32 of the Act, must be accompanied, in addition to the documents, information and payments specified in subsection (3) of that section and subregulation (2) of this regulation, by a certified photocopy of the -

(a) registration certificate of the applicant; and

(b) identity document or passport of the applicant.

(2) If the additional qualification that the applicant wishes to register is a qualification obtained in a country other than Namibia, the application referred to in subregulation (1) must be accompanied by a certificate issued by the registration authority of that country certifying that the qualification complies with paragraph (b) of subregulation (3) of regulation 8.

PART IV
REGISTERS AND RESTORATION OF NAME TO REGISTER

Register of clinical technologists

10. The register of clinical technologists established and kept in accordance with subsection (2) of section 24 of the Act, must contain, in addition to the particulars specified by subsection (3) of that section, particulars of the specialities and additional qualifications entered against the name of the clinical technologist in accordance with subsection (4) of section 32 of the Act, including any change in any of the particulars recorded in the register.

Restoration of name to register

11. (1) An application in accordance with subsection (1) of section 26 of the Act for the restoration of name to a register of clinical technologists must be accompanied, in addition to the documents, information and payments specified by subsection (2) of that section, by the following documents:

(a) The original registration certificate issued under section 21(4)(b) of the Act, or if for any reason the original certificate cannot be submitted, proof to the satisfaction of the Council that the applicant had been so registered;

(b) a certified photocopy of the identity document or of the passport of the applicant; and

(c) a certificate by two persons registered as clinical technologists under the Act confirming the identity and good character of the applicant in the form that the Council may determine.

(2) If the applicant is unable to comply with the requirements of paragraph (b) of subregulation (1), the Council may accept certificates by two other persons registered under the Act.

PART V

GENERAL

Language of forms and documents

12. (1) Any form or document required to be submitted to the Council or to the registrar in terms of these regulations must be, subject to subregulation (2), 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 thereof into that language, acceptable to the Council.