



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS SURVIVING IN TERMS OF

Health Professions Act 16 of 2024
section 95(10)

**Regulations relating to
Scope of Practice of Medical Practitioner**

Government Notice 35 of 2017

(GG 6249)

came into force on date of publication: 27 February 2017

These regulations were made in terms of section 59 of the Medical and Dental Act 10 of 2004, which was repealed by the Health Professions Act 16 of 2024.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 Medical and Dental Council of Namibia.

ARRANGEMENT OF REGULATIONS

1. Definitions
 2. Scope of practice of medical practitioner
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Definitions

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

“medical intern” means a person who has completed the required qualification for a medical practitioner, in terms of this Act, and registered as such by the Council.

“medical practitioner” means a health professional who is qualified and clinically competent to provide medical care services to individuals and families.

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“medical student” means a person approved and registered by Council for admission of the required course of study a Bachelors Degree in Medicine and Surgery.

[The first three definitions should be followed by semicolons instead of full stops.]

“medicine” means medicine as defined in the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003);

“patient” means a person being treated by a medical practitioner at the request of that person, his or her legal guardian or any other person who provides care for that patient; and

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

[The Medical and Dental Act 10 of 2004
has been replaced by the Health Professions Act 16 of 2024.]

Scope of practice of medical practitioner

2. (1) The following acts are regarded to be the acts which fall within the scope of practice of medical practitioners -

- (a) taking record of the medical history and the clinical examination of a patient for purposes of diagnosing of physical, mental or psycho-social health conditions;
 - (b) performing medical or clinical procedures on a patient as part of diagnosing, preventing, treating, rehabilitating or alleviating the medical condition of that patient;
 - (c) advising a patient on the physical, mental and psycho-social health status, including his or her genetic conditions or genetic propensity for ill-health;
 - (d) promoting and protecting individual, family and community health;
 - (e) prescribing or administering, of any medicine, substance or medical device as defined in the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003);
 - (f) monitoring the progress of the health or medical condition of a patient;
 - (g) referral of a patient, where personal competency would transcend, to one or more appropriate practitioners;
 - (h) monitoring own performance on continuous basis and obtaining improvement measures when necessary; or
 - (i) any other act performed as a result of additional education and training, of medical practitioners, as approved by the Council.
- (2) The provisions of regulation 2(1) may not be construed as prohibiting a -
- (a) person registered under any legislation, regulating health care providers, from performing any act specified in accordance with the provisions of such legislation;

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- (b) medical intern, working at an institution recognized by the Council, from performing any function or issuing any certificate or other document which in terms of any legislation may be or is required to be performed or issued by a medical practitioner;

[The word “issued” is misspelt in the *Government Gazette*, as reproduced above.]

- (c) medical student from performing any act under the direct and immediate supervision of a medical practitioner in the course of his or her training;
- (d) medical practitioner from performing any act falling within the scope of medicine or using any name, title, description or symbol normally associated with practitioners’ profession; or
- (e) person from performing an act in the course of bona fide research at an institution approved for that purpose by the Minister.

(3) Despite subregulation (2), a medical practitioner may perform any procedure under any specialty or additional qualification registered in his or her name.