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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 72

2014

REGULATIONS RELATING TO THE REGISTRATION OF OCCUPATIONAL THERAPISTS, OCCUPATIONAL THERAPY INTERNS, SPECIALITIES AND ADDITIONAL QUALIFICATIONS, THE KEEPING OF REGISTERS AND THE RESTORATION OF A NAME TO A REGISTER: ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), read with sections 20, 21, 22, 24, 26 and 32 of that Act, and on the recommendation of the Allied Health Professions Council of Namibia, I have -

- (a) made the regulations set out in the Schedule; and
- (b) repealed the regulations published under Government Notice No. 11 of 4 February 2010.

R. N. KAMWI
MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 14 May 2014

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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 9;

“applicant” means any person submitting an application in terms of the Act;

“approved facility” means any private practice, hospital, clinic or other health facility in Namibia defined in section 1 of the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994), approved by the Council for the purpose of the training of occupational therapy interns, and “facility” has a corresponding meaning;

“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); and

“occupational therapy intern” means any person registered as such under these regulations for the purpose of qualifying as an occupational therapist, and “intern” has a corresponding meaning;

“registration authority” means the registration authority of a country responsible for the registration of a person to practice as an occupational therapist in that country;

“speciality” means a speciality referred to in section 32(1)(b) of the Act and prescribed by regulation 8; and

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

PART II REGISTRATION OF OCCUPATIONAL THERAPISTS

Application for registration as occupational therapist and submitting of particulars

2. (1) An application for the registration of a person as an occupational therapist submitted to the registrar in terms of subsection (1) of section 20 of the Act must be accompanied, in addition to the documents and particulars specified in subsection (2) of that section, by -

- (a) a certified photocopy of the identity document or passport of the applicant;
- (b) a certificate issued by the Council in the form that the Council determines, certifying that the applicant has passed the evaluation referred to in section 21(3) of the Act, if applicable; and
- (c) if the qualification upon which the applicant relies for registration as an occupational therapist is a qualification referred to in section 22(1)(a) of the Act, the original certificate of registration to practise as an occupational therapist in the country where the applicant obtained the qualification, issued by the relevant 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 or qualifications of which the applicant is the holder, entitles him or her to registration as an occupational therapist in the country where the applicant obtained that qualification or those qualifications; or
- (b) if he or she had been so registered previously, a certificate issued by that registration authority, confirming that previous registration and removal, and specifying the grounds for the removal.

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

PART III
OCCUPATIONAL THERAPY INTERNS

Registration and training of occupational therapy intern before registration as occupational therapist

4. (1) A person who holds a minimum qualification required for registration as an occupational therapist, must complete, after obtaining that qualification and before he or she is entitled to registration, internship as an occupational therapy intern at an approved facility for a period of 12 months, during which period of time the intern must successfully complete practical training, to the degree and extent that the Council determines, and to the satisfaction of the Council, in the disciplines specified in the Annexure.

(2) An application for registration as an intern must be made in the form that the Council determines, and the duly completed application form must be submitted to the registrar.

(3) An application referred to in subregulation (2) must be accompanied by -

(a) a certificate, or a certified photocopy thereof, to the satisfaction of the Council, as proof that the applicant holds a prescribed qualification referred to in subregulation (1);

(b) a certificate of good standing, if the applicant had been registered previously in a country other than Namibia as an occupational therapist or as an intern, or is still so registered, from the registration authority with which the applicant had been so registered 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 to the registrar in terms of subregulation (2);

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

(d) the additional documents and information that the Council determines;

(e) a certified copy of the agreement of internship training entered into by and between the applicant and an approved facility; and

(f) payment of the application fees, determined by the Council, relating to the registration of an intern, or proof of the payment thereof.

(4) If the applicant referred to in subregulation (1) is not registered with the registration authority referred to in paragraph (b) of subregulation (3), 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 or qualifications of which the applicant is the holder, entitles him or her to registration as an occupational therapist in that country; or

(b) if he or she had been so registered previously, a certificate issued by that registration authority, confirming that previous registration and removal, and specifying the grounds for the removal.

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

(6) After having considered the application for registration as an intern, the Council, -

- (a) may grant the application, if the Council is satisfied that the applicant -
 - (i) meets the requirements for registration as an intern;
 - (ii) has complied with the other provisions of this regulation; and
 - (iii) is proficient in the English language;
- (b) must refuse the application, if the Council is satisfied that the applicant -
 - (i) does not meet the requirements for registration as an intern; or
 - (ii) has not complied with the other provisions of this regulation.
- (7) The Council must -
 - (a) inform the applicant in writing of the decision of the Council under subregulation (6);
 - (b) issue to the applicant a certificate of registration as an intern, if the application for that registration is granted, in the form that the Council determines, 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 grounds for the refusal.
- (8) Notwithstanding subregulation (1), the Council may exempt, on the conditions that it may determine, a person from the requirements of registration and training as an intern in terms of these regulations, or may reduce the prescribed period of training as an intern by the period of time that the Council determines, if the applicant submits documentary proof to the satisfaction of the Council that he or she has -
 - (a) completed, at a training facility in a country other than Namibia and under the laws of that country pertaining to occupational therapists or to occupational therapy interns, training substantially equivalent to the applicable training prescribed by subregulation (1); or
 - (b) practised in a country other than Namibia, under the laws of that country, as an occupational therapist for the period of time and under the circumstances as may afford him or her experience and training substantially equivalent to the applicable training prescribed by subregulation (1).

Period and manner of training of occupational therapy intern, agreement of internship and approval of facility for purposes of internship training

5. (1) An occupational therapy intern must complete, in the manner prescribed by these regulations, internship training for a period of 12 months.

(2) If the internship training prescribed by subregulation (1) is interrupted at any point in time, that training must consist of periods which, when added together, are not less than 12 months in aggregate.

(3) Any leave or sick leave taken, or any other absence from the approved facility during the period of internship prescribed by this regulation, or any other interruption in the internship, must be added on to the period of internship so that an occupational therapy intern completes not less than 12 months internship.

(4) The training of an occupational therapy intern under these regulations must be conducted at an approved facility or approved facilities as the Council determines.

(5) The period of 12 months occupational therapy internship prescribed by subregulation (1) must be completed within a period of 24 months after the date of the first registration of the occupational therapy intern.

(6) If an occupational therapy intern fails to comply with subregulation (5), his or her registration as an occupational therapy intern must be regarded to be cancelled, subject to subregulation (7), as from the date upon which the period of 24 months prescribed by subregulation (5), is exceeded.

(7) The Council may extend in writing, on good cause shown, the period of 24 months prescribed by subregulation (5), within which the occupational therapy internship must be completed.

(8) Before any person may commence with his or her occupational therapy internship at an approved facility, he or she must -

- (a) register with the Council as an occupational therapy intern under the Act and regulation 4;
- (b) enter into a written agreement of internship with the approved facility at which he or she must complete the internship, in the form and containing the conditions and particulars that the Council determines; and
- (c) obtain from the Council a written approval of the agreement of internship entered into pursuant to paragraph (b).

(9) The Council may specify in writing, when approving a facility for the training of occupational therapy interns, that only a specified portion of the training of an occupational therapy intern must be undertaken at that facility, and that the remainder of the training must be undertaken at another approved facility or approved facilities so specified.

(10) If at any time during the period of internship of an occupational therapy intern, the Council considers any training provided by the approved facility to be inadequate or unsatisfactory for any reason, the Council may withdraw its approval of the written agreement of internship referred to in paragraph (c) subregulation (8) by means of a written notice to both the approved facility and the occupational therapy intern, after having afforded both the approved facility and the occupational therapy intern the opportunity to be heard.

(11) Unless the Council otherwise determines, on good cause shown, any period of internship completed by an occupational therapy intern under an agreement of internship cancelled under subregulation (6), or in respect of which the Council has withdrawn its approval under subregulation (10) of this regulation, or terminated in terms of regulation 6, is null and void.

(12) an occupational therapy intern is subject, during his or her term of internship, to all the rules of professional conduct applicable to an occupational therapist.

(13) The criteria pertaining to occupational therapy internship training are specified in the Annexure to these regulations.

(14) The Council may approve, subject to the other provisions of these regulations, a facility for the purpose of the training of occupational therapy interns under these regulations.

(15) An application for the approval of a facility by the Council under subregulation (14) must be -

- (a) made in the form and manner, must be accompanied by the documents and particulars, and must comply with the conditions, including the payment of the application fees, that the Council determines; and
- (b) submitted to the registrar.

(16) Before the Council approves any person or facility under, and for the purposes of, this regulation, the Council may conduct an inspection, under section 51 of the Act and against payment of the inspection fees that the Council determines, of the facility where the occupational therapy intern must be trained.

(17) When the Council approves, under subregulation (14), a facility as an approved facility for the purposes of the training of an occupational therapy intern, the Council must issue, in the name of that facility, a Certificate of Approval in the form, and specifying the particulars, that the Council determines.

(18) An approval under subregulation (14) is subject to the conditions, and is valid for the period of time, that the Council determines and specify in the Certificate of Approval issued under subregulation (17).

Commencement or termination of internship, or change of name

6. (1) An intern must notify -
- (a) as soon as he or she commences internship, the Council in writing of the commencement and furnish the Council with the name and business address, including the telephone number and the other particulars that the Council may require, of the approved facility where he or she has commenced internship;
 - (b) if he or she terminates his or her internship with the approved facility referred to in paragraph (a), the Council in writing of the termination within a period of 30 days thereof;
 - (c) if he or she intends to terminate his or her internship with the approved facility referred to in paragraph (a) and to commence internship with any other approved facility, the Council in writing of the intended termination of internship not less than 30 days before the date of the intended termination and apply to the Council, in the form that the Council determines, for approval of the new agreement of internship entered into between himself or herself and the other approved facility.
- (2) If the name or surname of an intern is changed for any reason, he or she must -
- (a) give written notice to the Council of the change of name, and submit documentary proof thereof, to the satisfaction of the Council, within a period of 30 days after the occurrence thereof; 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

7. (1) Upon completion of the internship undertaken by an occupational therapy intern under these regulations, the intern must submit to the Council proof of the completion, by means of a certificate or certificates, to the satisfaction of the Council, issued by the approved facility or approved facilities, as the case may be, where he or she completed the internship.

(2) The certificate prescribed by subregulation (1) must be in the form, and contain the particulars, that the Council determines.

(3) The Council must not register any person as an occupational therapist unless he or she has submitted to the Council the certificate prescribed by subregulation (1).

PART IV REGISTRATION OF SPECIALITIES AND ADDITIONAL QUALIFICATIONS

Registrable specialities

8. An occupational therapist may register under section 32 of the Act, any of the following specialities, subject to compliance with the other provisions of the Act and of these regulations :

- (a) A Doctor of Science Degree in Occupational Therapy;
- (b) Doctorate in Occupational therapy,

obtained at any university or other tertiary institution approved by the Council for that purpose.

Registrable additional qualifications

9. An occupational therapist may register, under section 32 of the Act, any of the following additional qualifications, obtained at the educational institutions in the Republic of South Africa subject to compliance with the other provisions of the Act and of these regulations :

Educational Institution or Other Examining Authority in the Republic of South Africa	Qualification
University of Limpopo (formerly The Medical University of South Africa)	Doctor of Philosophy in Occupational Therapy
	Masters Degree in Occupational Therapy
University of KwaZulu-Natal (formerly the University of Durban-Westville)	Doctor of Philosophy in Occupational Therapy
	Masters Degree in Occupational Therapy
University of Cape Town	Doctor of Philosophy in Occupational Therapy
	Masters Degree in Occupational Therapy (Rehabilitation – Course Work)
	Masters Degree in Occupational Therapy (Professional Practice)
	Masters Degree in Occupational Therapy (Biomechanics)
University of the Free State (formerly the University of the Orange Free State)	Doctor of Philosophy in Occupational Therapy
	Masters Degree in Occupational Therapy (Biomechanics)

	Masters Degree in Occupational Therapy (Neurology)
	Masters Degree in Occupational Therapy (Paediatrics)
	Masters Degree in Occupational Therapy (Psychiatry)
	Masters Degree in Occupational Therapy (Occupational Science)
	Post Graduate Diploma : Vocational Rehabilitation
	Post Graduate Diploma : Interpersonal Communication and Group Work
University of the Witwatersrand	Doctor of Philosophy in Occupational Therapy
	Masters Degree in Occupational Therapy (Occupational Science)
	Masters Degree in Occupational Therapy (Neuro Sciences)
	Masters Degree in Occupational Therapy (Treatment of Perceptual Disorders)
	Masters Degree in Occupational Therapy (Psychiatry Community Rehabilitation)
	Advanced Diploma in Occupational Therapy (Neuro Sciences)
	Advanced Diploma in Occupational Therapy (Treatment of Perceptual Disorder)
	Advanced Diploma in Occupational Therapy (Psychiatry)
University of Pretoria	Doctor of Philosophy in Occupational Therapy
	Masters Degree in Occupational Therapy (Hand Therapy)
	Masters Degree in Occupational Therapy (Neurology)
	Masters Degree in Occupational Therapy (Paediatrics)
	Masters Degree in Occupational Therapy (Psychiatry)

	Post Graduate Diploma in Occupational Therapy (Hand Therapy)
	Post Graduate Diploma in Occupational Therapy (Occupational Group Therapy)
Therapy (Vocational Rehabilitation)	Post Graduate Diploma in Occupational
	Honours Degree in Alternative and Augmentative Communication
	University of Stellenbosch Doctor of Philosophy in Occupational Therapy
	Masters Degree in Occupational Therapy (Advanced Occupational Therapy)
	Masters Degree in Occupational Therapy (Management Research Methods)
University of the Western Cape	Masters Degree in Occupational Therapy
Educational Institution or Other Examining Authority in the Netherlands	Qualification
Hoogeschool van Amsterdam	Master of Science in Occupational Health (Ergotherapy)

Requirements for the registration of specialty or additional qualification

10. An application by an occupational therapist for the registration of a speciality or 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 by subsection (3) of that section -

- (a) by a certified photocopy of the identity document or passport of the applicant; and
- (b) in the event of an application for the registration of a speciality, documentary proof, to the satisfaction of the Council, that a period of not less than five years has elapsed from the date of the applicant's registration as an occupational therapist under section 21 of the Act.

Registration of non-prescribed additional qualification

11. (1) In this regulation, "non-prescribed additional qualification" means an additional qualification that has not been prescribed by regulation 9 as a registrable additional qualification, but that complies with subsection (5) of section 32 of the Act.

(2) If an application for the registration of a non-prescribed qualification is submitted to the Council in accordance with subsection (2) of section 32 of the Act, the application must be accompanied, in addition to the documents and particulars specified in subsection (3) of that section, by a transcript, issued by the educational institution or other examining authority where that additional qualification has been obtained, specifying particulars, to the satisfaction of the Council, of the additional qualification, including the curriculum applicable thereto.

PART V
REGISTERS AND RESTORATION OF NAME TO REGISTER

Register of occupational therapists

12. The register of occupational therapists established and kept under 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 additional qualifications entered against the name of the occupational therapist under subsection (4) of section 32 of the Act, including any change in any of the particulars recorded in the register.

Register of occupational therapy interns

13. The register of occupational therapy interns established and kept under paragraph (c) of 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 approved facility or facilities where the occupational therapy intern is completing his or her internship, the date upon which he or she commenced with the internship and the date upon which it must be completed, including any change in any of the particulars recorded in the register.

Restoration of name to register

14. An application in terms of subsection (1) of section 26 of the Act for the restoration of the name of a person to a register must be accompanied, in addition to the documents and particulars specified in subsection (2) of that section, by -

- (a) a certified photocopy of the identity document or passport of the applicant; and
- (b) the original registration certificate issued to the applicant under section 21(4)(b) of the Act, or a certified photocopy thereof.
- (c) certificates by two occupational therapists confirming the good character of the applicant and his or her suitability to practise as an occupational therapist.

PART VI
GENERAL

Language of forms and documents

15. (1) Subject to subregulation (2), any form or document submitted to the Council or to the registrar 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 thereof into that language, acceptable to the Council.

ANNEXURE

**CRITERIA PERTAINING TO THE TWELVE MONTH PERIOD OCCUPATIONAL
THERAPY INTERNSHIP TRAINING PROGRAMME**
(Regulation 6(13))

The training of an occupational therapy intern during the 12 month occupational therapy internship period must take place as the Council directs in writing before the commencement of, or at any time during, the internship, and must be spent on training in -

- (a) the occupational therapy service areas of -
 - (i) physical health and health conditions;
 - (ii) mental, paediatric health and health conditions;
 - (iii) occupational therapy in the community; and
 - (iv) work assessment and rehabilitation;
- (b) consolidation skills and knowledge in the occupational therapy domains of -
 - (i) the relationship between the person, occupation and the environment, and the relationship between the occupation, health and welfare;
 - (ii) therapeutic, professional relationship and behaviour;
 - (iii) professional principles, skills and reasoning;
 - (iv) clinical competence in the occupational therapy process;
 - (v) context of professional practice, professional autonomy and accountability;
 - (vi) management and promotion of occupational therapy; and
 - (vii) research, development in occupational therapy and occupational science;
- (c) occupational therapy services in -
 - (i) physical health and physical health conditions;
 - (ii) mental health and mental health conditions;
 - (iii) paediatric health and paediatric health conditions;
 - (iv) the community, work and rehabilitation;
- (d) the relationship between -
 - (i) the person, occupational therapy and the environment; and
 - (ii) occupational therapy, health and welfare;
- (e) therapeutic, professional relationship and behaviour;
- (f) professional principles, skills and reasoning;

- (g) clinical competence in the occupational therapy process;
 - (h) context of professional practice, autonomy and accountability;
 - (i) management and promotion of occupational therapy;
 - (j) research in occupational therapy and science; and
 - (k) ethical guidelines and jurisprudence.
-