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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 360

2019

REGULATIONS RELATING TO MINIMUM REQUIREMENTS OF STUDY FOR
REGISTRATION AS MEDICAL ORTHOTIST AND PROSTHETIST, MEDICAL ORTHOTIST
AND PROSTHETIST INTERNS AND ADDITIONAL QUALIFICATIONS:
ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), read with section 19 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- (b) repealed the regulations published under Government Notice No. R1846 of 16 September 1977.

DR. K. SHANGULA
MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek 11 November 2019

SCHEDULE**ARRANGEMENT OF REGULATIONS**

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Definitions

1. In these regulations a word or an expression to which a meaning has been given in the Act has that meaning, and unless context otherwise indicates -

“approved facility” means a training facility recognised by the Council as a facility qualified to train interns 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);

“intern” means a medical orthotist and prosthetist intern registered as such under these regulations;

“registration authority” means the institution responsible for the registration of a person to practice as a medical orthotist and prosthetist in the country; and

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

Minimum qualifications for registration as medical orthotist and prosthetist

2. (1) Subject to other requirements in the Act, the Council may register a person as a medical orthotist and prosthetist, if the person holds any of the following qualifications -

- (a) Bachelors Degree of Technology in Orthotics and Prosthetics; or
- (b) Bachelor of Science in Prosthetics and Orthotics,

obtained from an educational institution after the person successfully completed full time study for a period not less than four years at that institution.

(2) The curriculum of study of the degrees contemplated in subregulation (1) must include the following subjects -

- (a) anatomy or physiology;
- (b) kinesiology and biomechanics;
- (c) mathematics and statistics;
- (d) material technology;
- (e) engineering design;
- (f) prosthetics and orthotics science;
- (g) pharmacology;
- (h) electro technology;
- (i) research; and
- (j) pathology.

Application for registration as medical orthotist and prosthetist

3. (1) A person may make an application for registration as a medical orthotist and prosthetist in terms of section 20 of the Act and that application must be -

- (a) submitted to the Registrar, in the form determined by Council;
- (b) accompanied by -
 - (i) a certified copy of the identity document or passport of the applicant;
 - (ii) payment of the application fees determined by the Council; and
 - (iii) additional documents that the Council may require.

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

(3) A person currently registered under the Act as a medical orthotist and prosthetist at the commencement of these regulations is considered to be registered as such under these regulations.

Registrable additional qualifications

4. The additional qualification specified in Annexure B may be registered as additional qualification under section 32(1)(a) of the Act in the name of a registered person.

Registration of medical orthotist and prosthetist interns before registration as medical orthotist and prosthetist

5. (1) After obtaining the relevant qualification and before he or she may be registered as a medical orthotist and prosthetist, a person who -

- (a) intends to apply for registration as a medical orthotist and prosthetists; and
- (b) is the holder of a minimum qualification required for that registration,

must complete an internship training at an approved facility for a period of 12 months, subject to subregulation (10).

(2) For the purpose of the internship training referred to in subregulation (1), the intern must successfully complete practical training in the main domains and disciplines set out in Annexure A.

(3) An intern must make the application for registration in the form that the Council determines and the completed application form must be submitted to the registrar.

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

- (a) documentary proof that the applicant is the holder of a prescribed minimum 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 intern or is still registered, issued by the registration authority with which the applicant had been or is still registered and that certificate must have been issued within 120 days before the date of the submission of the application;
- (c) a certified copy of the identity document or the passport of the applicant;
- (d) a certified copy of the agreement of internship training entered into by the applicant and an approved facility; and
- (e) payment of the application fees as the Council determines.

(5) If the applicant referred to in subregulation (1) was registered with a registration authority and at the time of submitting the application is no longer registered with the registration authority, he or she must submit to the registrar, together with his or her application for registration, a certificate issued by that registration authority confirming that the applicant was previously registered but is no longer registered and specifying the grounds for the removal of the name of the applicant from the register.

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

(7) After considering an application for registration as an intern, the Council may register the applicant as an intern if the applicant complies with the requirements of these regulations and the Act.

(8) The Council must -

- (a) inform the applicant, in writing, of the decision of the Council made under subregulation (7);
- (b) issue to the applicant a certificate of registration as an intern in the form that the Council determines, if the application for registration as an intern is granted; and
- (c) enter the name of the applicant into the register.

(9) The Council must inform the applicant in writing as soon as practicable of the grounds for the refusal, if the application for registration as an intern is refused.

(10) Despite subregulation (1), the Council may -

- (a) exempt a person from the requirements of registration and training as an intern in accordance with these regulations; or
- (b) reduce the prescribed period of training as an intern by the period that the Council may determine.

(11) The Council may exempt a person or reduce the period of training as contemplated in subregulation (10) if a person has experience and training substantially equivalent to the applicable internship training prescribed by subregulation (1) and submits documentary proof to the Council that he or she, in Namibia or in another country, has -

- (a) completed internship training, in accordance with the laws of Namibia or of that other country pertaining to the registration of medical orthotist and prosthetists or medical orthotist and prosthetist interns; or
- (b) practiced as a medical orthotist and prosthetist, in accordance with the laws of that country for the period and under the circumstances he or she specifies.

(12) The Council may specify in writing, when approving a facility for the purpose of internship training in accordance with these regulations, that only a specified portion of the training of a medical orthotist and prosthetist intern must be undertaken at that approved facility, and that the remainder of the training must be undertaken at another approved facility or approved facilities.

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 set out in Annexure A, that is adequate and satisfactory for the purposes of the internship; and
- (c) be approved by the Council.

(2) Subject to subregulation (3), if at any time during the period of internship of an intern, the Council considers any training approved for that purpose to be inadequate or unsatisfactory, the Council may withdraw the approval by means of a written notice to both the approved facility and the intern.

(3) The Council must, after serving the written notice referred to in subregulation (2) on the approved facility and the intern, give the approved facility and the intern an opportunity to be heard before withdrawing the approval as referred to in that subregulation.

(4) For the purposes of regulation 5, any period of internship completed by an intern under an agreement of internship for which the Council withdraws approval or that is terminated before the completion of the internship is void, unless the Council determines otherwise.

(5) The internship training must be completed within a period of two years after the date of the first registration of the intern, if the intern is unable to complete the internship training within the 12 months period referred to in regulation 5(1).

(6) Subject to subregulation (7), if an intern fails to comply with subregulation (5), his or her registration as an intern must be regarded as terminated.

(7) The intern may apply to the Council to extend the two year period prescribed by subregulation (5).

(8) Before a person may commence with his or her medical orthotist and prosthetist internship at an approved facility, he or she must -

- (a) enter, in accordance with subregulation (1), into a written agreement of internship with that approved facility; and
- (b) register with the Council as an intern in accordance with these regulations.

(9) A medical orthotist and prosthetist intern is subject, during his or her term of internship, to all the professional conduct regulations and rules applicable to a medical orthotist and prosthetist.

(10) The Council must furnish an intern with a copy of the professional conduct regulations and rules before the commencement of his or her internship.

Commencement or termination of internship by intern

7. An intern must notify the Council in writing -

- (a) of that commencement as soon as he or she commences and furnish the Council with the name, telephone number, other particulars that the Council may require and business address of the approved facility where he or she has commenced internship;
- (b) of the residential and postal addresses of the intern;
- (c) if he or she terminates his or her internship with the approved facility within 30 days after that termination;
- (d) if he or she intends to -
 - (i) terminate his or her internship with the approved facility, not less than 30 days before the date of the intended termination; and
 - (ii) commence internship with any other approved facility, for the approval of the new agreement of internship entered into between himself or herself and the new approved facility, if he or she terminates an internship.

Reports by approved facility

8. (1) Subject to subregulation (2), during the internship every approved facility with which a medical orthotist and prosthetist intern has entered into an agreement of internship must submit to the Council, a written progress report on that internship and that intern, at least every six months in the form and containing the particulars that the Council determines.

(2) Despite subregulation (1) -

- (a) the Council, may in writing, require an approved facility to submit to the Council, within the period specified in that request, a written progress report on the internship;

- (b) an approved facility must report to the Council in writing as soon as practicable and submit to the Council a report on any failure by an intern to comply with -
 - (i) a standard of medical orthotist and prosthetist;
 - (ii) patient care acceptable to or required by the Council;
 - (iii) these regulations; or
 - (iv) the agreement of internship.

(3) Subject to regulation 12, if a report contains an allegation that the intern is failing to comply with any of the items listed in subregulation (2)(b), or if the Council becomes aware of any other allegation that reasonably reflects negatively on the intern or on any aspect of the internship, the Council may investigate those allegations.

Change of name or address

9. If the name or surname, or residential or postal address, of an intern has changed, he or she must -

- (a) give written notice to the Council of the change of name or surname or residential or postal address, within a period of 30 days after such change; and
- (b) provide the Council, in writing, with the particulars relating to the change of name or surname that the Council may require.

Completion of internship

10. (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 issued by the approved facility or approved facilities where he or she completed the internship.

(2) The Council may register a person as a medical orthotist and prosthetist when that person has submitted, to the Council, the certificate referred to subregulation (1).

Register of interns

11. (1) The register of a medical orthotist and prosthetist established and kept in terms of section 24(2)(a) of the Act, must in addition to the particulars specified in subsection (3) of that section, contain -

- (a) particulars of the additional qualifications registered against the name of the medical orthotist and prosthetist; and
- (b) any change of the particulars recorded in the register.

(2) The register of medical orthotist and prosthetist interns established and kept in accordance with section 24(2)(c) of the Act, in addition to the particulars specified by subsection (3) of that section, must contain the -

- (a) particulars of the approved facility where the medical orthotist and prosthetist intern is completing his or her internship; and
- (b) date on which the internship commenced and the date on which it is to be completed, including any change in any of the particulars recorded in the register.

Removal of name from register by Council

12. (1) If the Council 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) After an investigation, if the Council is satisfied that the intern has failed to comply with -

- (a) a standard of medical orthotist and prosthetist;
- (b) patient care required by the Council;
- (c) these regulations; or
- (d) the applicable internship agreement,

the Council may cancel the registration of the internship and remove the name of the intern from the register.

(3) The Council must inform the intern in writing -

- (a) not less than 30 days, before the intended cancellation of the registration of that intern and the removal of his or her name from the register, and
- (b) that he or she 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 a person as an intern and removes his or her name as from the register, the Council must inform the intern and the approved facility in writing of the cancellation and removal, and the written notice must be delivered to the intern and the approved facility in person.

Restoration of name to register

13. (1) A medical orthotist and prosthetist intern -

- (a) whose name has been removed from a register in accordance with section 25 of the Act or regulation 12; and
- (b) who wishes to have his or her name restored to that register in accordance with section 26 of the Act,

must apply to the Council for the restoration of his or her name to that register in terms section 26(1) of the Act.

(2) An application referred to in subregulation (1) must comply with section 26(2) of the Act and with subregulation (3).

(3) The following documents must accompany an application referred to in subregulation (1):

- (a) the original registration certificate issued under section 20(4)(b) of the Act, or if the original certificate cannot be submitted, proof to the satisfaction of the Council that the applicant was so registered; and

- (b) a declaration by two medical orthotist and prosthetists confirming the identity and good character of the applicant in a form determined by the Council.

Language of forms and documents

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

ANNEXURE A

CRITERIA PERTAINING TO INTERNSHIP TRAINING PROGRAMME

(Regulation 5)

The approved facility with which the medical orthotist and prosthetist intern has entered into an agreement of internship, in accordance with regulation 5, must provide the intern with practical training of at least four months per domain in the main domains of, or relating to -

- (a) Prosthetics Practice;
- (b) Orthotics Practice; and
- (c) Ethics and Jurisprudence.

ANNEXURE B

REGISTRABLE ADDITIONAL QUALIFICATIONS

(Regulation 4)

Qualification

- (a) Masters or Doctorate Degree in Medical Orthotics and Prosthetics;
 - (b) Masters or Doctorate Degree in Physical Rehabilitation;
 - (c) Masters or Doctorate Degree in Biomedical Engineering;
 - (d) Masters or Doctorate Degree in Public or International Health;
 - (e) Master or Doctorate Degree in Health Sciences; or
 - (f) Masters or Doctorate Degree in Orthopaedic Engineering.
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