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MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 209 2015

APPLICATION OF ACT TO CERTAIN ALLIED HEALTH PROFESSION: UNANI TIBB: PRACTITIONER ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 60 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004) I declare, after consultation with the Allied Health Professions Council of Namibia that, from the date of publication of this notice, the Act applies to the Allied Health Profession of Unani Tibb Practitioner.

B. HAUFIKU
MINISTER OF HEALTH AND SOCIAL SERVICES Windhoek, 2 September 2015

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 210 2015

AMENDMENT OF REGULATIONS RELATING TO SCOPE OF PRACTICE OF ORAL HYGIENE: MEDICAL AND DENTAL ACT, 2004

Under section 59 of the Medical and Dental Act, 2004 (Act No. 10 of 2004), I have, on the recommendation of the Medical and Dental Council of Namibia, amended the Regulations Relating to Scope of Practice of Oral Hygiene published under Government Notice No. 197 of 18 August 2008, as set out in the Schedule.

B. HAUFIKU
MINISTER OF HEALTH AND SOCIAL SERVICES Windhoek, 1 September 2015

SCHEDULE

Definitions

1. In these regulations "the Regulations" means the Regulations Relating to Scope of Practice of Oral Hygiene made in terms of the Medical and Dental Act, 2004 and published under Government Notice No. 197 of 18 August 2008.

Amendment of regulation 2 of Regulations

2. Regulation 2 of the Regulations is amended by -

(a) the substitution for regulation 2 of the following regulation:

"**2.** (1) Subject to subregulation (2), an oral hygienist may perform the following acts - ";

(b) the substitution for paragraph (b) of the following paragraph:

"(b) the scaling, root planning and polishing of teeth, including the trimming and polishing of restorations and the administering of local anaesthetic when required for these procedures;"; and

(c) the addition of the following subregulation after subregulation (1):

"(2) An oral hygienist referred in subregulation (1) may perform the acts referred to in that subregulation only if he is supervised by a dentist and the dentist is readily available to assist the oral hygienist in the performance of his or her acts.".

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 211 2015

REGULATIONS RELATING TO SCOPE OF PRACTICE OF HOMOEOPATH: ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), I have, on the recommendation of the Allied Health Professions Council of Namibia, made the regulations set out in the Schedule.

B. HAUFIKU
MINISTER OF HEALTH AND SOCIAL SERVICES Windhoek, 1 September 2015

SCHEDULE

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 the context otherwise indicates -

"allersodes" means homoeopathic substances or complementary medicines derived from antigens, including toxins, ferments, precipitinogens, opsonogens, lysogens, venins, agglutinins, complements, opsonins, amboceptors, precipitins and most original proteins;

"antigens" means substances that under suitable conditions can induce the formation of antibodies;

"basic substances" means a substance from which or out of which the homoeopathic mother tincture or the first trituration is prepared or manufactured, or any stronger concentration of the substance;

"complementary medicine" means a complementary medicine as defined in section 1 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003);

"compounding" means the combining or mixing of basic substances or complementary medicines;

"dispense", in relation to a complementary medicine or homoeopathic medicine, means to select, prepare, compound, count out or measure from a bulk supply, dissolve, supply the complementary medicine, or homoeopathic medicine, in an appropriate container and label the container and provide information and instructions to ensure the safe and effective use of the complementary medicine or homoeopathic medicine, but does not include the actual administration of the complementary medicine or homoeopathic medicine;

"formulate", in relation to the making of a complementary medicine consisting of constituents or substances, whether used alone or in combination with other substances, means to calculate or determine the constituents or substances and the quantities and strength of the complementary medicine including the process of preparing or combining the complementary medicines and the calculation or determination of the dosage of the complementary medicine;

"homoeopathic substance" means a substance prepared in accordance with the principles of homoeopathy, and "homoeopathic medicine" has a corresponding meaning;

"homoeopathy" means a complementary therapy based on the theory that "like cures like" and involves the treating of a condition in humans with a minute dose of a substance that in larger doses would normally cause or aggravate the condition;

"medicine" means medicine as defined in section 1 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003);

"patient" means a person treated by a homoeopath at the request of the person;

"schedule substance" means the schedule substances as defined in section 1 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003);

"sell" means to sell by wholesale or retail, and includes the supply, delivery, offer for sale, preparing or prescribing a homoeopathic substance; and

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

Scope of practice of homoeopaths

2. (1) For the purposes of section 34(2) of the Act, the acts that fall within the scope of practice of a homoeopath are as follows -

(a) examine a patient physically or mentally;

(b) diagnose, treat or prevent a physical or mental defect, illness or deficiency in a patient;

(c) advise a patient on his or her physical or mental state;

(d) sell, dispense or prescribing a homoeopathic substance to a patient;

(e) prescribe a medicine and treatment allowed in terms of his or her scope of practice to a patient;

(f) use, utilise, apply or prescribe the use of a medical device approved by the Council for that purpose;

(g) formulate, compound, manipulate and prepare a homoeopathic substance for use in his or her practice and dispensing to his or her patients;

(h) perform urine dipstick or cholesterol tests or use glucometers; and

(i) refer a patient to a registered person or to a person registered under the Social Work and Psychology Act, 2004 (Act No. 6 of 2004), the Nursing Act, 2004 (Act No. 8 of 2004), the Pharmacy Act, 2004 (Act No. 9 of 2004) or the Medical and Dental Act, 2004 (Act No. 10 of 2004) for examination or treatment.

(2) A homoeopath may keep, possess and have under his or her control -

(a) a homoeopathic substance;

(b) a basic substance that is not a scheduled substances;

(c) subject to section 31(1) of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003) and subregulation (3), a basic substance that is used as starting substance in the preparation, formulation, compounding and dispensing of a homoeopathic substance, scheduled substance, including its derivative and its salt and the derivative of its salt, where the existence of the salt is possible, that is recorded in homoeopathic materia medicas, homoeopathic pharmacopoeias or in any other equivalent homoeopathic or non-homoeopathic standard in quantity and concentration that is not more than what is reasonably necessary;

(d) nosodes, allersodes, isodes and sarcodes;

(e) substances referred to in subparagraphs (a) to (d) in an injectable form;

(f) vitamins;

(g) minerals which are not scheduled substances; and

(h) Western, Chinese and African herbal medicines.

(3) The substances referred to in subregulation (2)(c) including its derivative and its salt and the derivative of its salt where the existence of the salt is possible is limited to adrenaline (epinephrine), alkaloids and glycosides and poisonous alkaloids and glycosides not specifically referred to as one of the schedule substances including the following and in the maximum strength where specified -

(a) aconite tincture (B.P.);

(b) belladonna tincture (B.P. 1980);

(c) cocaine-substances containing not more than one part per thousand of cocaine calculated as cocaine alkaloid;

(d) gelsemium tincture (B.P.C. 1973);

(e) ipecacuanha tincture (B.P. 1980);

(f) sabadilla alkaloids (B.P.C. 1934);

(g) veratrum tincture (B.P.C. 1934);

(h) amyl nitrite;

(i) antimicrobial substances (chemotherapeutic substances, synthesised in nature or the laboratory) containing not more than one part per thousand thereof;

(j) antimony potassium tartrate and antimony sodium tartrate;

(k) apomorphine;

(1) arsenic substances containing not more than one part per ten thousand of arsenic calculated as arsenic trioxide;

(m) atropine;

(n) barbituric acid or substances containing not more than one part per ten thousand thereof;

(o) bee venom;

(p) cantharidin;

(q) chloroform;

(r) corticosteroids (natural or synthetic) containing not more than one part per thousand thereof;

(s) cresol and phenol;

(t) digitalis leaf (B.P. 1980);

(u) emetine;

(v) ether (diethyl ether);

(w) fluorides;

(x) homatropine;

(y) hormones (natural or synthetic) substances containing not more than one part per thousand thereof;

(z) hyoscine substances containing not more than one part per thousand thereof;

(aa) insulin;

(bb) lead acetate;

(cc) lithium substances containing not more than one part per thousand thereof;

(dd) mercury substances containing not more than one part per thousand thereof;

(ee) nicotinic acid-substances containing not more than one part per hundred thereof;

(ff) nitroglycerine substances containing not more than one part per thousand thereof;

(gg) nux vomica;

(hh) opium tincture (Ph.Cx., 11th edition) substances containing not more than one part per thousand thereof;

(ii) papaverine substances containing not more than one part per thousand thereof;

(jj) phospholipids;

(kk) physostigmine;

(ll) pilocarpine;

(mm) potassium dichromate;

(nn) pygeum Africanum (lipid-sterolic complex extract thereof);

(oo) radix valerianae and its extracts;

(pp) rauwolfia serpentine (dry root) (Ph. Cx., 10th edition);

(qq) strychnine substances containing not more than one part per thousand thereof;

(rr) strophanthus (B.P.);

(ss) tubocurarine substances containing not more than one part per thousand thereof;

(tt) thyroid gland (dry and clean) (Ph.Cx., 11th edition);

(uu) vincamine; and

(vv) zinc salts.

(4) Subject to section 31(1) of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003), a homoeopath may prescribe or supply to a patient -

(a) a homoeopathic substance or mixture of a homoeopathic substance in a homoeopathic form and in a homoeopathic dose or potency;

(b) substances, preparations and mixtures of substances that are not medicines or scheduled substances;

(c) substances referred to in paragraph (1) in homoeopathic form, including the following substances which may be prescribed and supplied in a dose in the strength as indicated -

(i) adrenaline (epinephrine) substances containing not more than five micrograms thereof per daily dose;

(ii) antimicrobial substances (chemotherapeutic substances synthesised in nature or the laboratory) substances containing not more than one part per thousand of the relevant daily allopathic dose;

(iii) antimony potassium tartrate and antimony sodium tartrate substances containing not more than five milligrams thereof per daily dose;

(iv) arsenic substances containing not more than comma five micrograms of arsenic calculated as arsenic trioxide per daily dose;

(v) belladonna tincture (B.P. 1980) substances containing not more than comma one millilitre thereof per daily dose;

(vi) cantharidin substances containing not more than 60 micrograms thereof per daily dose;

(vii) cresol and phenol substances containing not more than one milligram of any of these substances per daily dose;

(viii) ether (diethyl ether) substances containing not more than one millilitre thereof per daily dose;

(ix) radix valerianae and its extracts not more than 500 milligram thereof per daily dose;

(x) rauwolfia serpentina (dry root) substances containing not more than one comma five milligrams thereof per daily dose;

(xi) zinc salts (for internal use) substances containing not more than 200 micrograms thereof per daily dose;

(d) vitamins;

(e) minerals which are not scheduled substances;

(f) homoeopathic substances in an injectable form;

(g) water in an injectable form;

(h) Western, African and Chinese herbal medicine.

(5) Subject to section 31(1) of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003), a homoeopath may formulate, compound, prepare or dispense -

(a) substances, preparations and mixtures of substances that are not scheduled substances and that are recorded in one of the homoeopathic materia medicas, homoeopathic pharmacopoeias or any other equivalent homoeopathic or non-homoeopathic standard in homoeopathic form;

(b) a homoeopathic substance, preparation or mixture of the substances referred to in subregulation (3); and

(c) medicines or substances containing homoeopathic substances or a homoeopathic medicine, or substance which falls within the definition of a homoeopathic substance in a homoeopathic dose or strength including but not limited to starting substances.

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 212 2015

REGULATIONS RELATING TO SCOPE OF PRACTICE OF PHYTOTHERAPISTS: ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), I have, on the recommendation of the Allied Health Professions Council of Namibia, made the regulations set out in the Schedule.

B. HAUFIKU
MINISTER OF HEALTH AND SOCIAL SERVICES Windhoek, 1 September 2015

SCHEDULE

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 the context otherwise indicates -

"complementary medicine" means a complementary medicine as defined in section 1 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003);

"compounding" means the combining or mixing of substances or medicines;

"dispensing" means the issuing, interpretation and evaluation of a prescription, the selection, manipulation, preparation, recording and compounding of the medicine, the labeling and supplying of medicines in an appropriate container and the provision of information and instructions to ensure the safe and effective use of a medicine by a patient;

"formulate", in relation to the making of a medicine consisting of constituents or substances whether used alone or in combination, means to calculate or determine constituents or substances and the quantities and strengths of the constituents or substances, including the process of preparing or combining the constituents or substances or medicine and the calculation or determination of the dosage of that medicine;

"medicine" means a substance or mixture of substances intended to be used by, or administered to, human beings for the purposes of -

(a) treating, preventing or alleviating symptoms of disease, abnormal physical or mental states or the symptoms thereof

(b) diagnosing disease or ascertaining the existence, degree or extent of a physical condition; or

(c) preventing or interfering with the normal operation of physiological function, whether permanently or temporarily;

"prepare" means to make, change, adapt or manipulate a substance or medicine or to put together or to make ready by combining of various elements, substances or ingredients;

"schedule substance" means the schedule substance as defined in section 1 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003);

"substances" means anything which, whether used alone or in combination in either its original state or in compounded, manipulated or prepared form, constitutes a medicine or forms part of a medicine or which is a basic or starting substance; and

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

Scope of practice of Phytotherapist

2. (1) Phytotherapy is a system of healing, treating of diseases and promoting health in which neither surgical nor medical agents are used but which is based on the use of -

(a) remedies solely derived from plants or parts of plants; or

(b) vitamins, minerals, dietary advice or dietary supplementation,

for the treatment of a physical defect, illness or deficiency in a person.

(2) A phytotherapist may -

(a) diagnose and treat or prevent a physical or mental disease, illness or deficiencies in a person;

(b) prescribe or dispense medicine and complementary medicine;

(c) provide or prescribe treatment for diseases, illnesses of deficiencies in a person;

(d) physically examine any person for the purpose of diagnosing any physical defect, illness or deficiency in that person; or

(e) treat or prevent any physical defect, illness or deficiency in any person.

Remedies used by phytotherapist

3. (1) Subject to the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003), a phytotherapist may have in his or her possession or have under his or her control and may prescribe or supply to a patient -

(a) vitamins and vitamin supplements;

(b) mineral and mineral supplements;

(c) substances that are obtained solely from plants, that are not prepared in accordance with homoeopathic pharmacological principles and that are not scheduled substances;

(d) the following scheduled substances that are obtained solely from plants and that are not prepared in accordance with homoeopathic pharmacological principles -

(i) alkaloids and glycosides;

(ii) all poisonous alkaloids and glycosides that are not specified as schedule substances containing not more than one part per thousand of the alkaloids and glycosides but excluding the alkaloids and glycosides referred to in subregulation (2).

(2) The alkaloids and glycosides referred to in subregulation (1)(d)(ii) excludes the following alkaloids and glycosides in the maximum strength where specified -

(a) aconite tincture (B.P);

(b) belladonna tincture (B.P. 1980);

(c) cocaine substances calculated as cocaine alkaloid;

(d) gelsemium tincture (B.P.C. 1973);

(e) ipecacuanha tincture (B.P. 1980);

(f) sabadilla alkaloids (B.P.C. 1934);

(g) veratrum tincture (B.P.C. 1934);

(h) cantharidin;

(i) digitalis leaf (B.P 1980);

(j) hyoscine substances;

(k) nux vomica;

(1) opium tincture (Ph.Cx., 11th edition) substances;

(m) pilocarpine;

(n) pygeum africanum (lipidosterolic complex extract thereof);

(o) rauwolfia serpentina (dry root), (Ph.Cx., 11th edition);

(p) strophanthus (B.P);

(q) tubocurarine substances;

(r) vincamine;

(3) Subject to the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003), a phytotherapist may prepare -

(a) substances, preparations and mixtures of substances that are -

(i) not scheduled substances;

(ii) obtained solely from plants or parts of plants; and

(iii) recorded in a Materia Medica or Herbal Pharmacopeia;

(b) substances referred to in subregulation (1) and (2), excluding -

(i) a basic substance;

(ii) a vitamin;

(iii) a preparation for injection;

(iv) a hormone (synthetic or natural); and

(v) an enzyme.

Manufacturing, preparing, storing or displaying of remedies or substances

4. A phytotherapist may compound, dispense or supply medicine that is prescribed by himself or by another phytotherapist with whom he or she is practising in partnership or with whom he is associated as principal or locum tenens, for use by a patient under treatment of that phytotherapist or other phytotherapist, but he or she may not -

(a) keep an open shop or pharmacy; or

(b) manufacture, prepare, store or display any remedies or substances in the section of his consulting room which is used -

(i) for the consultation, examination or treatment of patients; or

(ii) as a waiting room.

Assessment, evaluation and treatment of patients

5. (1) The assessment and evaluation of a condition of a patient by a phytotherapist may include -

(a) an assessment of the medical history of the patient and interviewing the patient;

(b) a full physical examination;

(c) the determining and preparing of a suitable patient-specific treatment protocol; and

(d) the maintaining of comprehensive case record regarding the condition and progress of the patient and all actions performed in connection with the patient.

(2) The promotion and maintaining of the health of a patient by a phytotherapist may include -

(a) ensuring to the hygiene and physical comfort of the patient and reassurance to the patient;

(b) the promotion of lifestyle changes that may include nutritional advice, exercise, rest and sleep with a view to assist in the rehabilitation of the patient;

(c) the offering of specific suggestion and recommendation of self care and health maintenance activities including, but not limited to, diet, self-massage, movement, self-administered hydrotherapy application, stress reduction and stress management techniques and stretching activities;

(d) education leading to the attainment of optimal health for the patient;

(e) the delivery of emergency first aid treatment, including cardiopulmonary resuscitation, if necessary; and

(f) the consultation with, referral of the patient to, any other registered person, medical practitioner or dentist registered as such under the Medical and Dental Act, 2004 (Act No. 10 of 2004), pharmacist registered as such under the Pharmacy Act, 2004 (Act No. 9 of 2004) or psychologist registered as such under the Social Work and Psychology Act, 2004 (Act No. 6 of 2004).

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