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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 206 2014

REGULATIONS RELATING TO THE SCOPE OF PRACTICE OF PERSONS REGISTERED OR ENROLLED UNDER THE NURSING ACT, 2004

In terms of section 59 of the Nursing Act, 2004 (Act No. 8 of 2004), on the recommendation of the Nursing Council of Namibia and after complying with subsection (3) of that section, I have -

- (a) made the regulations set out in the Schedule; and
- (b) withdrawn the regulations made under Government Notice No. 13 of 28 January 1999.

R. N. KAMWI
MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 3 October 2014

SCHEDULE

ARRANGEMENT OF REGULATIONS

Part 1 - Scope of practice of registered nurse, registered midwife, registered accoucheur, enrolled nurse, enrolled accoucheur and nursing auxiliary -

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PART 1

SCOPE OF PRACTICE OF REGISTERED NURSE, REGISTERED MIDWIFE,
REGISTERED ACCOUCHEUR, ENROLLED NURSE, ENROLLED ACCOUCHEUR
AND NURSING AUXILIARY

Definitions

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

“accoucheur” means a male midwifery provider;

“advocacy” means the process of providing support, referral, liaison and representing and protecting the interest of patients and families who may or may not be aware of the need or are unable to coordinate or organise health care for themselves;

“caring for the deceased” means the caring for the body of the deceased immediately after his or her death;

“child” includes an unborn child;

“comprehensive nursing” means integrated nursing interventions that apply the scientific process of the full range of nursing in the areas of general, obstetric and mental health, that promotes and maintains the health status of patients;

“co-ordination” means the bringing together of the acts of members of a health team to meet the spectrum of identified health needs of a person or a group of persons;

“episiotomy” means a surgical cut made at the opening of the vagina during childbirth, to aid a difficult delivery and prevent rupture of tissues;

“deceased” means a person who has died;

“diagnosis” means the identification of and distinction between physical, psychological and social signs and symptoms in a patient;

“health needs” means signs, symptoms and processes that denote a patient’s actual or potential health problem and that requires nursing intervention;

“life saving intervention” means the action taken to save the life of a patient;

“midwifery” means the care that the provider offers to a childbearing woman during pregnancy, labour, birth and the postpartum period;

“midwifery regimen” means the regulation and implementation of matters that through midwifery intervention, have an influence on the course and management of pregnancy, all stages of labour and the puerperium, including -

- (a) provision, implementation and evaluation of midwifery care plans;
- (b) recording of the course of pregnancy, labour and puerperium and of any health problem; and
- (c) care received by the mother and child whilst in the charge of the midwife;

“nursing” means the practice in which the nurse assists a person, sick or well, in the performance of those activities contributing to that person’s health or the recovery thereof, or to a peaceful death, that that person would have performed unaided, if he or she had the necessary strength, capabilities, will or knowledge;

“nursing regimen” means the regulation of matters that, through nursing intervention, have an influence on the -

- (a) preventative, promotive, curative or rehabilitative aspects of health care;
- (b) provision, assessment, compilation, implementation and evaluation of nursing care plans;
- (c) recording of the cause of any health problem including social, psychological or any other health related problems; and
- d) health care received by a patient and the outcome of that health care whilst the patient is in the charge of a nurse;

“nursing intervention” means any nursing activity a nurse performs to improve a patient’s condition;

“nursing assessment” means collecting, interpreting and evaluating that information relevant to the patient’s needs;

“prescribing” means the giving of written directions regarding treatment, nursing interventions, co-ordination, collaboration and patient advocacy functions essential for the effective execution and management of the nursing regimen or midwifery regimen;

“prescribed plan of care” means a plan of care developed for a patient by a registered nurse, midwife or accoucheur, and executed by an enrolled nurse, midwife or accoucheur under the direct or indirect supervision of a registered nurse, midwife or accoucheur;

“puerperium” means the period of about six weeks after childbirth during which the mother’s reproductive organs return to their original non-pregnant condition;

“scope of practice” means the parameters within which a nurse, midwife or accoucheur must practice his or her profession;

“standard” means a broad statement that provides the desired and achievable level of performance by a registered or enrolled person, describing the minimum requirement of practice of registered and enrolled persons in order to enhance the quality of care for patients, protect the public and provide the profession with the means to regulate itself and give direction for professional practice;

“the Act” means the Nursing Act, 2004 (Act No. 8 of 2004);

“treatment” means the selection and performing of therapeutic measures essential to the effective executing and managing of the nursing regimen.

Scope of practice of a registered nurse

2. (1) The scope of practice of a registered nurse includes the scientific application of the principles of nursing and health care related to the prevention of illness and the care of patients during illness which principles include the scientifically based physical, psychological, social, educational, chemical and technological means applicable to health care practice.

(2) When practising his or her profession, a registered nurse, subject to the nursing regimen and subregulation (1), when it becomes necessary, must -

- (a) assess and diagnose a health need and prescribe, provide and execute a nursing regimen to meet the needs of a patient or a group of patients or if necessary refer a patient to any other registered person or a person registered under the Allied Health Professions Act, 2004 (Act No. 7 of 2004), the Medical and Dental Act, 2004 (Act No. 10 of 2004), the Social Work and Psychology Act, 2004 (Act No. 6 of 2004) or the Pharmacy Act, 2004 (Act No. 9 of 2004);
- (b) execute a program of treatment or medication prescribed for a patient by any other registered person or a person registered under the Allied Health Professions Act, 2004 (Act No. 7 of 2004), the Medical and Dental Act, 2004 (Act No. 10 of 2004), the Social Work and Psychology Act, 2004 (Act No. 6 of 2004) or the Pharmacy Act, 2004 (Act No. 9 of 2004);
- (c) treat and care for and administer medicine to a patient, including the monitoring of the patient’s vital signs and his or her reaction to disease conditions, medication and treatment and perform appropriate nursing interventions;
- (d) prescribe, under a licence issued under subsection (1) of section 31 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003) and administer standard prescribed medicines and treatment;
- (e) prevent diseases and promote health, including reproductive health and breastfeeding, by means of the teaching and counselling of patients;
- (f) prescribe, promote and maintain the hygiene, physical comfort and re-assurance of a patient;
- (g) promote exercise, rest and sleep with a view to the healing and rehabilitation of a patient;
- (h) facilitate body mechanisms to prevent bodily deformities in a patient;

- (i) institute, maintain and supervise the fluid, electrolyte and acid base balance of a patient;
- (j) initiate, maintain and supervise the supply of oxygen to a patient;
- (k) facilitate the -
 - (i) healing of wounds and fractures, the protecting of the skin and the maintaining of the sensory function in a patient;
 - (ii) maintaining of bodily regulatory mechanisms and functions in a patient;
 - (iii) maintaining of the nutrition of a patient;
 - (iv) communication by and with a patient;
- (l) assist in the attaining of optimum health for a patient;
- (m) establish and maintain an environment in which the physical and mental health of a patient is promoted;
- (n) prepare a patient for operative, diagnostic and therapeutic acts and the rendering pre-operative, intra-operative and post-operative nursing interventions;
- (o) co-ordinate the health care regimens provided for the patient by other registered persons or persons registered under the Allied Health Professions Act, 2004 (Act No. 7 of 2004), the Medical and Dental Act, 2004 (Act No. 10 of 2004), the Social Work and Psychology Act, 2004 (Act No. 6 of 2004) or the Pharmacy Act, 2004 (Act No. 9 of 2004);
- (p) provide effective patient advocacy to enable the patient to obtain the health care he or she needs;
- (q) formulate and prescribe a comprehensive nursing plan of care;
- (r) render nursing interventions at different phases of conditions or illnesses;
- (s) administer local anaesthetics to a patient;
- (t) accurately record and maintain a comprehensive account of all nursing interventions;
- (u) render life saving interventions in an emergency situation;
- (v) care for a terminally ill or dying patient; and
- (w) care for the body of a deceased patient.

Scope of practice of a registered midwife or accoucheur

3. (1) In this regulation, a “patient” includes a mother or a child or a mother and a child.

(2) The scope of practice of a registered midwife or accoucheur includes the scientific application of the principles of midwifery and the providing of assistance and medical care to a patient undergoing labour and childbirth, including the scientifically based physical, psychological,

social, educational, chemical and technological means applicable to health care practice relating to a patient in the course of pregnancy, labour and the puerperium.

(3) When practising his or her profession, a registered midwife or accoucheur, subject to the midwifery regimen and subregulation (2), may -

- (a) assess and diagnose a health need in a patient, prescribe, provide and execute a nursing or midwifery regimen to meet the needs of a patient and if necessary refer that patient to any other registered person or a person registered under the Allied Health Professions Act, 2004 (Act No. 7 of 2004), the Medical and Dental Act, 2004 (Act No. 10 of 2004), the Social Work and Psychology Act, 2004 (Act No. 6 of 2004) or the Pharmacy Act, 2004 (Act No. 9 of 2004);
- (b) execute a program of treatment or medication prescribed for a patient by a registered person or a registered person as contemplated by paragraph (a);
- (c) treat and care for and administer medicine to a patient, including the monitoring of the patient's vital signs and the patient's reaction to disease conditions, medication and treatment and take appropriate nursing and midwifery interventions;
- (d) prescribe authorised interventions by any other registered person or a registered person as contemplated by paragraph (a);
- (e) administer a standard prescription by any other registered person or a registered person as contemplated by paragraph (a);
- (f) prevent diseases, including diseases related to pregnancy, labour and puerperium and may promote health by teaching and counselling of persons;
- (g) identify and manage high risk factors and emergency conditions in a patient during labour, delivery and the postnatal period;
- (h) refer a patient to any other registered person or a registered person as contemplated by paragraph (a);
- (i) monitor the -
 - (i) progress of the pregnancy, labour and puerperium including the vital signs of the patient; and
 - (ii) reaction of the mother and child to disease conditions, trauma, stress, anxiety, medication and treatment;
- (j) prevent complications relating to pregnancy, labour and puerperium;
- (k) perform an episiotomy;
- (l) suture first and second degree tears or episiotomy;
- (m) administer local anaesthetics to a patient;
- (n) prescribe and promote the maintaining of hygiene, physical comfort and re-assurance of the patient;

- (o) promote exercising, including antenatal and postnatal exercising, rest and sleep with a view to the healing and rehabilitation of a patient;
- (p) facilitate body mechanisms and the preventing of bodily deformities in a patient in the execution of the midwifery regimen;
- (q) initiate, maintain and supervise a supply of oxygen to a patient;
- (r) institute, maintain and supervise the fluid, electrolyte and acid base balance of a patient;
- (s) facilitate the healing of wounds and fractures, the protection of the skin and the maintaining of the sensory functions in a patient;
- (t) facilitate the maintaining of bodily regulatory mechanisms and functions in a patient;
- (u) facilitate, maintain and where necessary improve the nutritional status of the patient;
- (v) promote breastfeeding;
- (w) facilitate communication by and with a patient in the execution of the nursing and midwifery regimen;
- (x) initiate, direct and actively participate in providing reproductive health and family planning services to female and male patients;
- (y) establish and maintain an environment in which the physical and mental health of a patient is promoted;
- (z) prepare a patient for operative, diagnostic and therapeutic acts and may render pre-operative, intra-operative and post operative midwifery interventions for the patient;
- (aa) co-ordinate the health care regimens provided for the patient by any other registered person or a registered person as contemplated by paragraph (a);
- (ab) provide effective patient advocacy to enable the patient to obtain the health care the patient needs;
- (ac) formulate and prescribe a comprehensive midwifery plan of care;
- (ad) prescribe, under a licence issued under subsection (1) of section 31 of the Medicines and Related Substances Control Act, 2003 (Act No. 13 of 2003), and administer standard prescribed medicines and treatment;
- (ae) render midwifery interventions at different phases of conditions or illness;
- (af) accurately record and maintain a comprehensive account of all midwifery interventions;
- (ag) promote breastfeeding;
- (ah) render life saving interventions in an emergency situation;
- (ai) care for the terminally ill or dying patient; and
- (aj) care for the body of the deceased patient.

Scope of practice of an enrolled nurse

4. (1) The scope of practice of an enrolled nurse includes the scientific application of the principles of nursing and health care related to the prevention of illness and the care of patients during illness, initiated by a registered nurse, midwife or accoucheur and the acts specified by subregulation (2).

(2) The acts referred to in subregulation (1) that may be performed by an enrolled nurse under the direct or indirect supervision of a registered nurse, midwife or accoucheur, includes the -

- (a) rendering of nursing care to fulfil the needs of a patient;
- (b) executing of a nursing care plan for a patient;
- (c) monitoring and evaluating of-
 - (i) the vital signs of a patient; and
 - (ii) reactions of a patient to trauma, stress, anxiety, medication and treatment;
- (d) preventing of diseases and the promoting of health and reproductive health by teaching and counselling of persons;
- (e) promoting and maintaining of personal hygiene, physical comfort and emotional well being of a patient;
- (f) promoting of exercise, rest and sleep with a view to the healing and rehabilitation of a patient;
- (g) facilitating of body mechanisms and the preventing of physical deformities in a patient in the execution of the nursing regimen;
- (h) initiating, supervising and maintaining of the supply of oxygen to a patient;
- (i) instituting, maintaining and supervising of the fluid, electrolyte and acid base balance of a patient;
- (j) facilitating of the healing of wounds and fractures, the protecting of the skin and the maintaining of the sensory function in a patient;
- (k) promoting and maintaining of the body regulatory mechanisms and functions in a patient;
- (l) facilitating, maintaining and where necessary, the improvement of the nutritional status of the patient;
- (m) promoting of breastfeeding;
- (n) promoting of communication by and with a patient in the execution of nursing care;
- (o) promoting of the attainment of optimal health in a person, the family, group of persons and the community;
- (p) establishing and maintaining of an environment in which the physical and mental health of a patient is promoted;

- (q) preparing for and assisting with diagnostic and therapeutic acts performed by any other registered person or a person registered under the Allied Health Professions Act, 2004 (Act No. 7 of 2004), the Medical and Dental Act, 2004 (Act No. 10 of 2004), the Social Work and Psychology Act, 2004 (Act No. 6 of 2004) or the Pharmacy Act, 2004 (Act No. 9 of 2004);
- (r) accurately recording and maintaining of a comprehensive account of all nursing interventions;
- (s) rendering of life saving interventions in any emergency situation;
- (t) caring for the terminally ill or dying patient; and
- (u) caring for the body of the deceased patient.

Scope of practice of an enrolled midwife or accoucheur

5. (1) In this regulation, a “patient” includes a mother or a child, or a mother and a child.

(2) The scope of practice of an enrolled midwife or accoucheur includes the scientific applications of the principles of nursing and midwifery, as part of the midwifery regimen planned and initiated by a registered nurse, midwife or accoucheur and the acts specified by subregulation (2).

(3) The acts referred to in subregulation (1) that may be performed by an enrolled midwife or accoucheur under the direct or indirect supervision of a registered nurse, midwife or accoucheur, includes the -

- (a) identifying of a health need and promoting the health of patient during pregnancy, labour and puerperium;
- (b) rendering of midwifery care to fulfil the needs of a patient or a group of patients, including the mother and child;
- (c) executing of a midwifery care plan for a patient;
- (d) monitoring of -
 - (i) the progress of pregnancy, labour and puerperium;
 - (ii) vital signs of mother and child; and
 - (iii) reactions of the patient to disease conditions, trauma, stress, anxiety, medication and treatment;
- (e) preventing of complications related to pregnancy, labour and puerperium;
- (f) performing of an episiotomy;
- (g) suturing of first and second degree tears or episiotomy;
- (h) administering of local anaesthetics to a patient as directed by a registered nurse or registered midwife or registered accoucheur;
- (i) preventing of diseases, including diseases related to pregnancy, labour and puerperium;

- (j) promoting of health and reproductive health by the teaching and counselling of persons;
- (k) promoting and maintaining personal hygiene, physical comfort and the emotional wellbeing of a patient;
- (l) promoting of exercise, including antenatal and postnatal exercise, rest and sleep with a view to the healing and rehabilitation of a patient;
- (m) facilitating of body mechanisms and the prevention of physical deformities in a patient in the execution of the midwifery regimen;
- (n) initiating, supervising and maintaining of the supply of oxygen to a patient;
- (o) instituting, maintaining and supervising of the fluid, electrolyte and acid base balance of a patient;
- (p) facilitating of the healing of wounds and fractures, the protection of the skin and the maintaining of the sensory function in a patient;
- (q) promoting and maintaining of the body regulatory mechanisms and functions in a patient;
- (r) facilitating, maintaining and, where necessary, improving the nutritional status of the patient;
- (s) promoting of breastfeeding;
- (t) promoting of communication by and with a patient in the execution of midwifery care;
- (u) promoting of the attaining of optimal health in a person, the family, group of persons and the community;
- (v) establishing and maintaining an environment in which the physical and mental health of a patient is promoted;
- (w) preparing for and assisting with diagnostic and therapeutic acts performed by any other registered person, or a person registered under the Allied Health Professions Act, 2004 (Act No. 7 of 2004), the Medical and Dental Act, 2004 (Act No. 10 of 2004), the Social Work and Psychology Act, 2004 (Act No. 6 of 2004) or the Pharmacy Act, 2004 (Act No. 9 of 2004);
- (x) accurately recording and maintaining of a comprehensive account of all nursing interventions;
- (y) rendering of life saving interventions in an emergency situation;
- (z) caring for the terminally ill or dying patient; and
- (aa) caring for the body of the deceased patient.

Scope of practice of a nursing auxiliary

6. (1) The scope of practice of an enrolled nursing auxiliary includes, as part of nursing and the nursing and midwifery regimen planned and initiated by a registered nurse, midwife or accoucheur, the acts specified by subregulation (2).

(2) The acts referred to in subregulation (1) that may be performed by an enrolled nursing auxiliary under the direct or indirect supervision of a registered nurse, midwife or accoucheur, includes the -

- (a) promoting and maintaining of the health of a patient, a family and a community;
- (b) providing of family health information to persons;
- (c) caring for a patient and executing of a nursing care plan for a patient;
- (d) promoting and maintaining of the physical comfort, rest, sleep, exercise and emotional wellbeing of a patient;
- (e) preventing of physical deformities and other complications in a patient;
- (f) monitoring and maintaining of the supply of oxygen to a patient;
- (g) monitoring and evaluation of the vital signs of a patient;
- (h) promoting and maintaining of the body regulatory functions of a patient;
- (i) promoting the nutrition of a patient, person, family and community;
- (j) monitoring of the intake and output by a patient;
- (k) promoting of communication by and with a patient during his or her care;
- (l) preparing of patients for and assisting with diagnostic and therapeutic acts performed by any other registered person or a person registered under the Allied Health Professions Act, 2004 (Act No. 7 of 2004), the Medical and Dental Act, 2004 (Act No. 10 of 2004), the Social Work and Psychology Act, 2004 (Act No. 6 of 2004) or the Pharmacy Act, 2004 (Act No. 9 of 2004);
- (m) preparing patients for and assisting during surgical procedures under anaesthetic;
- (n) accurately recording and maintaining of a comprehensive account of all nursing interventions;
- (o) caring for the terminally ill or dying patient; and
- (p) caring for the body of the deceased patient.

PART 2

EXTENSION OF SCOPE OF PRACTICE OF REGISTERED NURSE, REGISTERED MIDWIFE AND REGISTERED ACCOUCHEUR TO INCLUDE MEDICAL MALE CIRCUMCISION

Definitions

7. (1) In this Part, unless the context otherwise indicates -

“medical male circumcision” means the surgical procedure to excise the prepuce of the penis;

“private health facility” means a private health facility as defined in the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994);

“private hospital” means a private hospital as defined in the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994);

“registered nurse” includes a registered midwife and registered accoucheur;

“state health facility” means a state health facility as defined in the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994);

“state hospital” means a state hospital as defined in the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994);

Qualifications for performing medical male circumcision

8. (1) A registered nurse, in addition to the acts that he or she may perform as prescribed by regulation 2 or 3 and who is the holder of a -

- (a) “Medical Male Circumcision Certificate of Proficiency” Independent Practice, issued by the Minister; and
- (b) “Certificate to Perform Medical Male Circumcisions”, issued by the Council under subregulation (2), may perform medical male circumcisions, subject to these regulations.

(2) The Council, on the application by a registered nurse submitted to the registrar in the form that the Council determines and accompanied by -

- (a) a valid Medical Male Circumcision Certificate of Proficiency Independent Practice referred to in paragraph (a) of subregulation (1); and
- (b) any additional documents and particulars that the Council may require,

may issue, if it is satisfied that the applicant has complied with these regulations, in the name of that applicant a Certificate to Perform Medical Male Circumcision referred to in paragraph (b) of that subregulation.

(3) A Certificate to Perform Medical Male Circumcisions issued under subregulation (2) -

- (a) must be in the form and contain the particulars that the Council determines; and
- (b) may be issued subject to the conditions and restrictions and for the period of time, but not exceeding one year, that the Council determines and endorses on that certificate.

(4) A registered nurse may perform a medical male circumcision only in a state hospital, state health facility, private hospital or private health facility approved by the Minister in writing.

(5) A state hospital, state health facility, private hospital or private health facility may apply to the Minister, in the form and manner that the Minister determines, for the granting of an approval under subsection (4).

(6) An application in terms of subsection (5) must be -

- (a) accompanied by the documents and additional particulars that the Minister determines; and

- (b) submitted to the Minister at his or her office in the Ministerial Building, Harvey Street, Windhoek.
- (7) The approval of a state hospital, state health facility, private hospital or private health facility under subsection (4) must be issued -
 - (a) in the form that the Minister determines; and
 - (b) for the period of time and subject to the conditions and restrictions that the Minister determines and endorses on that approval.

Renewal of Certificate to Perform Medical Male Circumcisions

9. (1) Not less than 30 days before to the date of expiry of the Certificate to Perform Medical Male Circumcisions issued under subregulation (3) of regulation 8 in the name of a registered nurse or the date specified by subsection (5) of section 28 of the Act as the date on or before which that registered nurse must pay the annual fees payable to the Council, whichever first occurs, that registered nurse must apply to the Council for the renewal of that certificate.

- (2) An application in terms of subregulation (1) must be -
 - (a) in the form that the Council determines and provides;
 - (b) be accompanied by the documents and additional particulars that the Council determines; and
 - (c) be submitted to the registrar.

(3) If the Council is satisfied that the holder of the Certificate to Perform Medical Male Circumcisions issued under subregulation (3) of regulation 8 and who, under subregulation (1), has applied for the renewal that Certificate has complied with these regulations, then it may issue to that registered nurse a certificate of the renewal of that Certificate to Perform Medical Male Circumcisions.

(4) The Council may issue, under subregulation (3), the certificate of renewal together with the certificate of payment of the annual fees issued under subsection (8) of section 28 of the Act -

- (a) in the form and subject to the conditions and restrictions that the Council determines and endorse on that certificate; and
 - (b) for a period of one year.
-