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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 8 2007

REGULATIONS RELATING TO THE REGISTRATION OF MEDICAL INTERNS, REGISTERS FOR MEDICAL INTERNS AND THE RESTORATION OF A NAME TO A REGISTER: THE MEDICAL AND DENTAL ACT, 2004

The Minister of Health and Social Services, under section 59 of the Medical and Dental Act, 2004 (Act No. 10 of 2004), read with section 25 of that Act, and on the recommendation of the Interim Medical and Dental Council of Namibia, has -

- (a) made the regulations set out in the Schedule; and
- (b) withdrawn regulations 15, 16, 17, 18 and 20 of the regulations published in Government Notice No. 238 of 29 October 1999.

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PART I
DEFINITIONS**Definitions**

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

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

“Council” includes the Interim Medical and Dental Council of Namibia established under section 63 of the Act;

“medical intern” means a person registered as a medical intern under these regulations;

“registrar” means the registrar of the Council;

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

PART II
MEDICAL INTERNS

Registration and training of medical intern before registration as medical practitioner

2. (1) Any person who holds a qualification prescribed under section 18(1) of the Act as a minimum requirement for registration as a medical practitioner under the Act, must undertake, subject to the provisions of subregulation (4), after obtaining such qualification and before he or she is entitled to registration as a medical practitioner, training as a medical intern for a period and in the manner referred to in regulation 3.

(2) An application for registration as a medical intern must be made and be submitted to the registrar in such form as the Council may determine.

(3) An application form submitted to the registrar in accordance with subregulation (2) must be accompanied by -

- (a) a certificate, or a certified copy of the certificate, as proof that the applicant holds a prescribed qualification referred to in subregulation (1);
- (b) if the applicant had been registered previously in a country other than Namibia as a medical intern or as a medical practitioner, or is still so registered, a certificate of good standing 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 accordance with subregulation (2);
- (c) a certified copy of the identity document or of the passport of the applicant;
- (d) such additional documents and information as the Council may determine; and
- (e) payment of the application fees, determined by the Council under section 26(1), relating to the registration of a medical intern;

(4) On receipt of an application for registration as a medical intern in terms of subregulation (1) the registrar must submit the application to the Council for its decision.

(5) The Council, after having considered the application for registration, and the documents and other information referred to in subregulation (3) -

- (a) may grant the application for the registration of the applicant as a medical intern if the Council is satisfied that the applicant -
 - (i) meets with the requirements relating to the registration of a medical intern;
 - (ii) has complied with subregulation (3);
 - (iii) is proficient in the English language; and
 - (iv) has paid to the Council the fees relating to such application;

- (b) must refuse the application for the registration of the applicant as a medical intern if the Council is satisfied that the applicant -
 - (i) does not meet with the requirements relating to the registration of a medical intern;
 - (ii) has not complied with subregulation (3);
 - (iii) is not proficient in the English language; or
 - (iv) has not paid to the Council the fees relating to such application.

(6) The Council must -

- (a) inform the applicant in writing of the decision of the Council under subregulation (5);
- (b) issue, if the application for registration is granted, to the applicant a certificate relating to such registration in such form as the Council may determine, and enter the name of the applicant into the relevant register;
- (c) inform the applicant in writing, if the application for registration is refused, as soon as practicable of the reasons for such refusal.

(7) Upon the submission of an application by a person in accordance with subregulation (2) for registration as a medical intern, and if that person submits documentary proof to the satisfaction of the Council that he or she has -

- (a) completed training substantially equivalent to the applicable training referred to in regulation 3, in another country at an appropriate institution in connection with the qualification concerned, whether before or after obtaining such qualification; or
- (b) practised in another country as a medical practitioner by reason of the qualification referred to in paragraph (a) for such period and under such circumstances as may give him or her experience and training substantially equivalent to the applicable training referred to in regulation 3,

the Council may exempt, on such conditions as it may determine, that person from the requirements of registration and training as a medical intern in Namibia, or may reduce the period of training, by such period of time as the Council may determine, if the Council is satisfied with the completion of such training or the practising as a medical practitioner, by the applicant, and that the completion of such training or the practising as a medical practitioner is substantially equivalent to the training and practice referred to in regulation 3.

(8) Notwithstanding the withdrawal by these regulations of regulations 15, 16, 17, 18 and 20 of the regulations published in Government Notice No. 238 of 29 October 1999, the regulations so withdrawn continue to apply to a medical intern registered as such under the regulations so withdrawn.

Period and manner of training by medical intern, and agreement of internship

3. (1) If a medical intern commences his or her internship training under these regulations on or before the last day of December 2006, the internship training

must be for a period of not less than one year, including vacation leave for a period not exceeding one month and sick leave for a period not exceeding one month.

(2) If the internship training referred to in subregulation (1) is interrupted at any point in time, the internship training must consist of periods which, when added together, are not less than one calendar year in total.

(3) If a medical intern commences his or her internship training on or after the first day of January 2007, the internship training must be for a period of not less than two years, including vacation leave for a period not exceeding one month in respect of every one year of internship completed and sick leave for a period not exceeding two months in total.

(4) If the internship training referred to in subregulation (3) is interrupted at any point in time, the internship training must consist of periods which, when added together, are not less than two calendar years in total.

(5) Any leave or sick leave taken in excess of the period or periods referred to in this regulation, must be added to the period of the internship referred to in the relevant subregulation.

(6) The training of a medical intern in accordance with these regulations must be conducted at an approved facility or approved facilities.

(7) The period of -

(a) one year medical internship referred to in subregulation (1) must be completed within a period of two years; and

(b) two years medical internship referred to in subregulation (3) must be completed within a period of three years,

after the date of the first registration of the relevant person as a medical intern.

(8) If a medical intern fails to comply with subregulation (7), his or her registration as a medical intern must be regarded to be cancelled, subject to subregulation (9), as from the date upon which the period of two years or of three years, whichever may be applicable, referred to in subregulation (7), is exceeded.

(9) The Council may extend, on good cause shown, the respective periods, referred to in subregulation (7), within which the medical internship must be completed.

(10) Before any person commences with his or her medical internship at an approved facility, he or she must -

(a) enter into a written agreement of internship with the approved facility at which he or she is to complete the internship; and

(b) register with the Council as a medical intern in accordance with the Act and these regulations.

(11) The Council must -

(a) approve in writing a facility for the purpose of the training of medical interns before a medical intern may commence with such training at the facility; and

- (b) issue to the approved facility referred to in paragraph (a) a certificate of approval in such form as the Council may determine.

(12) The approval of a facility by the Council under subregulation (11) is valid for the period specified by the Council in the certificate of approval issued under subregulation (11)(b).

(13) Unless the Council otherwise determines, on good cause shown, any period of internship completed by a medical intern under an agreement of internship cancelled or terminated before the completion of the relevant internship is void.

(14) A medical intern is subject, during his or her term of internship, to all the regulations and rules relating to professional conduct applicable to medical practitioners.

(15) The Council must furnish a medical intern, before the commencement of his or her internship, with a copy of the regulations and rules relating to professional conduct referred to in subregulation (14).

(16) The criteria pertaining to medical internship training are specified in "ANNEXURE A" and "ANNEXURE B" to these regulations.

Cancellation or cession of internship, and change of name

4. (1) A medical intern must notify -

- (a) if he or she has terminated his or her internship with an approved facility, the Council in writing within a period of 30 days of terminating the internship;
- (b) if he or she intends to terminate his or her internship with the approved facility referred to in paragraph (a) and to assume internship with another approved facility, the Council in writing of the termination of the internship, not less than 30 days before it occurs, and submit to the Council -
- (i) proof of the cancellation of the existing agreement of internship; and
- (ii) a certified copy of the agreement of internship entered into between the approved facility, with which the internship is to be completed, and the medical intern.

(2) If the name of a medical intern is changed for any reason, he or she must inform the Council in writing of the change of name within a period of 30 days after the change of name, and submit to the Council documentary proof of the change of name and such other particulars relating to the change of name as the Council may require in writing.

Completion of internship

5. (1) Upon the completion of the internship undertaken by a medical intern in accordance with these regulations, he or she must submit proof to the Council, in the form of a certificate issued by the approved facility or approved facilities, in or at which he or she completed the internship, to the satisfaction of the Council, that he or she has undertaken and completed the internship.

(2) The certificate referred to in by subregulation (1) must be in such form, and contain such particulars, as the Council may determine.

(3) A medical intern may not be registered as a medical practitioner unless he or she has submitted the certificate referred to in subregulation (1) to the Council.

PART III REGISTER AND RESTORATION OF NAME TO REGISTER

Register of medical interns

6. The register of medical interns established and kept in accordance with subsection (2)(c) section 23 of the Act must contain, in addition to the particulars specified by subsection (3) of that section, particulars of the approved facility where the medical intern is completing his or her internship, the date upon which such internship commenced and the date upon which it is to be completed, including any change in any of the particulars recorded in the register.

Restoration of name to register

7. (1) Any person whose name has been removed from a register in accordance with section 24 of the Act and who wishes to have his or her name restored to such register in accordance with section 25 of the Act, must apply to the Council for such restoration in accordance with section 25(1) of the Act.

(2) An application referred to in subregulation (1) must comply with subregulation (3) and section 25(2) of the Act.

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

- (a) the original registration certificate issued under regulation 2(6)(b), or if for any reason the original certificate cannot be submitted, proof to the satisfaction of the Council that the applicant had been so registered; and
- (b) a declaration by two medical practitioners confirming the identity and good character of the applicant in such form as the Council may determine.

PART IV GENERAL

Language of forms and documents

8. (1) Any form or 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) Any form or document referred to in subregulation (1) that is not in the English language must be accompanied by a sworn translation of the form or document in English, which translation must be acceptable to the Council.

ANNEXURE A

CRITERIA PERTAINING TO THE ONE YEAR PERIOD MEDICAL INTERNSHIP TRAINING PROGRAMME

(Regulation 3(16))

The training of a medical intern during the one year medical internship period must take place as follows, as the Council must direct in writing before the commencement of, or at any time during, the internship:

1. A period of not less than four months per clinical domain must be spent on training in any two of the following main clinical domains of medicine:
 - (a) General Medicine;
 - (b) General Surgery;
 - (c) Obstetrics and Gynaecology;
 - (d) Paediatrics; and
2. A period of not less than two months per clinical domain must be spent on training in any two of the following main clinical domains of medicine:
 - (a) Any two of the main clinical domains prescribed by paragraph 1 and in which the medical intern did not receive any training as set out in that paragraph; or
 - (b) any one of the main clinical domains prescribed by paragraph 1 and in which the medical intern did not receive any training as set out in that paragraph, and in the clinical domain of Orthopaedics and Orthopaedic Trauma.
3. Training in the domain of Anaesthesiology must be completed, during the period of training prescribed by paragraph 1, without any interruption and for a period of not less than two weeks.

ANNEXURE B

CRITERIA PERTAINING TO THE TWO YEAR PERIOD MEDICAL INTERNSHIP TRAINING PROGRAMME

(Regulation 3(16))

A medical intern must complete the following training during his or her period of internship, if such period of internship is two years, as the Council must direct in writing before the commencement of, or at any time during, the internship:

1. A compulsory rotation of a period of four months training through each of the following domains:
 - (a) General Medicine;
 - (b) General Surgery (including Surgical Trauma);
 - (c) Obstetrics and Gynaecology;
 - (d) Paediatrics; and
 - (e) Family Practice and Primary Care, including Mental Health; and
 2. A compulsory rotation of a period of two months training through each of the following domains:
 - (a) Anaesthesiology; and
 - (b) Orthopaedics and Orthopaedic Trauma.
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