



# GOVERNMENT GAZETTE

## OF THE

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## Government Notice

### MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 84 2020

#### REGULATIONS RELATING TO REGISTRATION OF MEDICAL INTERNS: MEDICAL AND DENTAL ACT, 2004

Under section 59(1) of the Medical and Dental Act, 2004 (Act No. 10 of 2004) and on the recommendation of the Medical and Dental Council of Namibia, I have -

- (a) made the regulations set out in the Schedule; and
- (b) repealed the Regulations Relating to Registration of Medical Interns published under Government Notice No. 8 of 5 February 2007.

**DR. K. SHANGULA**  
**MINISTER OF HEALTH AND SOCIAL SERVICES**

Windhoek, 21 February 2020

#### SCHEDULE

1. Definitions
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### **Definitions**

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

“approved facility” means -

- (a) a practice of a person, registered as a medical practitioner, which person has been practicing as such in Namibia for a period of not less than three years and is still so practicing; or
- (b) a state hospital or private hospital defined by the Hospitals and Health Facilities Act, 1994 (Act No. 36 of 1994), approved by the Council in terms of section 16 of the Act as a facility qualified and competent to train medical 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);

“medical intern” means a person registered as such in terms of the Act or regarded to be so registered in terms of section 64 of the Act;

“medical internship” means the training prescribed by these regulations and applicable to a medical intern;

“registrar” means the registrar of the Council; and

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

### **Registration of internship training**

2. (1) A person who intends to apply for registration as a medical practitioner -
  - (a) must be the holder of a minimum qualification required for registration as a medical practitioner and prescribed as such in terms of section 18(1) of the Act; and
  - (b) must complete, subject to subregulation (8), internship training at an approved facility for a period of 24 months, during which period the intern must successfully complete practical training in the main domains and disciplines set out in the Annexure.
- (2) An application for registration as a medical 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) documentary proof, to the satisfaction of the Council, that the applicant is the holder of a prescribed minimum qualification referred to in subregulation (1)(a);

- (b) if the applicant had been registered previously in a country other than Namibia as an intern, or is still so registered, a certificate of good standing issued by the registration authority with which the applicant had been 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 photocopy of the identity document or the passport of the applicant;
- (d) additional documents and information as the Council may determine; and
- (e) payment of the application fees.

(4) If the applicant referred to in subregulation (1), at the time of submitting the application referred to in subregulation (2), is no longer registered with the registration authority referred to in subregulation (3)(b), the applicant must submit to the registrar, together with his or her application for registration, a certificate issued by that registration authority confirming the previous registration and specifying the grounds of why he or she is not registered as such.

(5) For the purpose of determining an application in terms of subregulation (2) the Council may require the applicant to furnish proof of the proficiency of the applicant in the English language in the manner that the Council determines.

(6) After considering an application for registration submitted in terms of subregulation (2) the Council -

- (a) may grant the application, if it is satisfied that the applicant -
  - (i) complies with the requirements for registration as a medical intern in terms of these regulations;
  - (ii) has complied with these regulations; and
  - (iii) complies with the regulations relating to medical students; or
- (b) may refuse the application if the applicant does not comply with the requirements of registration as a medical intern and must provide written reasons of the grounds for the refusal.

(7) The Council must -

- (a) in writing inform the applicant of its decision under subregulation (6);
- (b) issue to the applicant a certificate of registration as a medical intern, if the application for registration as a medical intern is granted, in the form that the Council determines, and enter the name of the applicant into the register; and
- (c) request the applicant to submit a certified copy of the agreement of internship training entered into by and between the applicant and an approved facility, which agreement must be approved by the Council prior to the applicant commencing his or her internship.

(8) Despite 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 accordance with these regulations, or may reduce the prescribed period of training as an intern by the period that the Council may determine, if that person submits documentary proof to the satisfaction of the Council that he or she, in Namibia or in a country other than Namibia, has -

- (a) completed medical internship, in accordance with the laws of Namibia or the laws of the other country pertaining to the registration of medical practitioners or medical interns; or
- (b) practiced, in accordance with the laws of the other country, as a medical practitioner for the period and has experience and training substantially equivalent to the applicable internship training prescribed by subregulation (1).

(9) In approving a facility for the purpose of internship training in accordance with these regulations, the Council may specify in writing that only a specified portion of the training of a medical 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 so specified.

(10) A person who is not the holder of a prescribed minimum qualification referred to in subregulation (1), which qualification is required for registration as a medical practitioner under the Act, may not be registered as a medical intern under these regulations.

(11) If the medical internship training referred to in subregulation (1) is interrupted at any point in time, the internship training must consist of a period which, when added together, is not less than 3 calendar years in total.

### **Agreement of internship training**

**3.** (1) An agreement of medical internship training entered into by and between an approved facility and a medical 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 as set out in the Annexure that, in the opinion of the Council, is adequate and satisfactory for the purposes of the internship; and
- (c) be approved by the Council.

(2) If at any time during the period of a medical internship of a medical intern the Council considers any training approved for that purpose to be inadequate or unsatisfactory for any reason, the Council may withdraw the approval by means of a written notice to both the approved facility and the medical intern, after having afforded the medical intern and approved facility the opportunity to be heard.

(3) Unless the Council otherwise determines, on good cause shown, any period of medical internship completed by a medical intern under an agreement of internship in respect of which the Council withdraws its approval in accordance with subregulation (2), or that is cancelled or terminated before the completion of the internship, is invalid.

(4) If a medical intern fails to comply with regulation 2(1)(b), his or her registration as a medical intern must be regarded as cancelled, subject to subregulation (5), as from the date upon which the period of two years prescribed by that regulation 2(1)(b) is exceeded.

(5) The Council may at any time, at its discretion on good cause shown extend the 24 months period prescribed by regulation 2(1)(b).

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

- (a) enter into a written agreement of medical internship with that approved facility; and
  - (b) register with the Council as a medical intern in accordance with these regulations.
- (7) A medical intern is subject to all the professional conduct regulations and rules applicable to a medical practitioner during his or her term of internship.
- (8) Before the commencement of a medical internship the Council must furnish the medical intern with a copy of the professional conduct regulations and rules referred to in subregulation (7).

#### **Commencement or termination of internship by medical intern**

4. A medical intern must notify the Council in writing -
- (a) as soon as he or she commences his or her medical internship, of that commencement and furnish the Council with the name and business address, including the telephone number and other particulars that the Council may require, of the approved facility where he or she has commenced medical internship and the residential and postal addresses of the medical intern;
  - (b) with valid reason, why he or she terminates his or her medical internship with the approved facility referred to in paragraph (a), within 30 days after that termination; and
  - (c) with valid reason, why he or she intends to terminate his or her medical internship with the approved facility referred to in paragraph (a) and to commence medical internship with any other approved facility, of the intended termination of medical 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 medical internship entered into between himself or herself and the other approved facility.

#### **Reports by approved facility**

5. (1) Every approved facility with which a medical intern has entered into an agreement of internship contemplated by regulation 3, must during that internship and subject to subregulation (2), submit to the Council a written progress report on that internship at least every six months in the form and containing the particulars that the Council determines.

- (2) Despite subregulation (1) -
- (a) the Council at any time and in writing may require an approved facility to submit to the Council a written progress report on the medical internship contemplated by that subregulation within the period determined by the Council and specified by that request;
  - (b) an approved facility must report to the Council in writing and as soon as practicable and submit to the Council a report on any failure by a medical intern to comply with a standard of medical or patient care acceptable to or required by the Council or to comply with these regulations or the relevant agreement of medical internship.

(3) If any report contemplated by this regulation contains any allegation that the medical intern is failing to comply with a standard of medical or patient care acceptable to or required by the Council, or to comply with these regulations or the relevant agreement of medical internship, or if the

Council becomes aware of any other allegation that reflects in the opinion of the Council negatively on the medical intern or on any aspect of the medical internship, the Council may investigate any of those allegations in the manner that the Council determines, subject to regulation 8.

### **Completion of internship**

6. (1) On the completion of the medical internship training prescribed by these regulations, the medical 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 medical internship, to the satisfaction of the Council.

(2) The Council may not register a person as a medical practitioner unless that person has submitted to the Council the certificate referred to in subregulation (1).

### **Register of interns**

7. The register of medical interns established and kept in accordance with section 23(2) (c) of the Act must contain, in addition to the particulars specified by subsection (3) of that section -

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

### **Removal of name from register by Council**

8. (1) If the Council under regulation 5(3) conducts an investigation into a medical internship, it must afford the medical intern and the approved facility involved the opportunity to be heard on the matter.

(2) If after an investigation contemplated by subregulation (1), the Council is satisfied that the medical intern has failed to comply with a standard of medical or patient care acceptable to or required by the Council, or to comply with these regulations or the applicable medical internship agreement, the Council may cancel, subject to subregulation (3), the registration of the medical internship and remove the name of the medical intern from the register.

(3) The Council must inform the medical intern in writing, not less than 30 days before the intended cancellation of the registration of that medical intern and the removal of his or her name from the register in terms of subregulation (2) and the Council must inform the medical intern 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 a medical intern and the removal of his or her name from the register.

(4) If the Council cancels the registration of a medical intern and removes his or her name from the register, it must in writing inform the medical intern and the approved facility of that cancellation and removal, which written notice must be delivered to that medical intern and the approved facility.

### **Restoration of name to register**

9. (1) Any medical intern whose name has been removed from a register in accordance with section 24 of the Act or regulation 8 and who wishes to have his or her name

restored to that register in accordance with section 25 of the Act, must apply to the Council for the restoration in accordance with section 25(1).

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

(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 for any reason 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 practitioners confirming the identity and good character of the applicant in the form as the Council determines.

### **Language of forms and documents**

**10.** (1) Subject to subregulation (2), any document required to be submitted to the Council or the registrar in terms of the regulations must be in the English language.

(2) Any document that is not in the English language must be accompanied by a sworn translation of the document in the English language.

## **ANNEXURE CRITERIA PERTAINING TO THE 24 MONTHS PERIOD MEDICAL INTERNSHIP TRAINING PROGRAMME (Regulation 2 and 3)**

A medical intern must complete the following training as part of the internship:

1. A compulsory rotation of a period of four months training in 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.
  2. A compulsory rotation of a period of two months training in each of the following domains:
    - (a) anaesthesiology; and
    - (b) orthopaedics and orthopaedic trauma.
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