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Government Notices

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 288

2013

REGULATIONS RELATING TO THE MINIMUM REQUIREMENTS OF STUDY FOR REGISTRATION AS A THERAPEUTIC MASSEUR: ALLIED HEALTH PROFESSIONS ACT, 2004

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), read with section 19(1) of that Act, and on the recommendation of the Allied Health Professions Council of Namibia, I have made the regulations set out in the Schedule.

R. N. KAMWI

MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 17 October 2013

SCHEDULE

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 indicates otherwise -

“therapeutic masseur” includes a therapeutic masseuse;

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

Minimum requirements of study for registration as a therapeutic masseur

2. (1) Subject to compliance with the other requirements prescribed by or under the Act, a person who is the holder of a diploma or certificate in therapeutic massage, obtained at any of the educational institutions prescribed by subregulation (2), after receiving full time education, tuition and training at that educational institution for a period of two years, may be registered by the Council as a therapeutic masseur.

(2) A diploma or certificate prescribed by subregulation (1) may be obtained at any of the following educational institutions:

- | | | |
|-----|---|------------------|
| (a) | Cape Institute for Allied Health Studies, Cape Town | South Africa; |
| (b) | Central Swiss Technical College for Medical Masseurs, Lucerne | Switzerland; |
| (c) | Institute of Natural Health, Cape Town | South Africa; |
| (d) | Potchefstroom Academy, Potchefstroom | South Africa; or |
| (e) | Massage and Physio College, Oldenburg | Germany. |

(3) Any person who is not the holder of a qualification prescribed by subregulation (1), but is the holder of a diploma or certificate in therapeutic massage, obtained at an educational institution after receiving full time education, tuition and training at that educational institution for a period of two years, may be registered, subject to compliance with the other requirements prescribed by or under the Act, by the Council as a therapeutic masseur.

(4) A qualification prescribed by subregulation (3) must include education, tuition and training in the following subjects:

- | | |
|-----|---|
| (a) | Anatomy and Physiology; |
| (b) | Patho-physiology; |
| (c) | Pathology; |
| (d) | Physiology; |
| (e) | Theory and Practical of Massage Therapy, including deep tissue therapeutic massage, sport massage and remedial massage; |
| (f) | first aid; |

- (g) nutrition; and
- (h) patient care.

Recognition of qualification by Council

3. Despite these regulations, the Council may not register as a therapeutic masseur any person who is the holder of a qualification prescribed by or referred to in regulation 2, unless -

- (a) the educational institution at which that person obtained that qualification is approved by the Council for that purpose;
- (b) the registration authority responsible for the registration of a person to practise as a therapeutic masseur in the country in which that person obtained that qualification, recognises that qualification for registration to practise as a therapeutic masseur in that country; and
- (c) that person complies with the other requirements for registration as a therapeutic masseur prescribed by or under the Act.

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 289

2013

**REGULATIONS RELATING TO THE REGISTRATION OF THERAPEUTIC MASSEUR
AND THERAPEUTIC MASSAGE INTERN; THE MAINTAINING OF REGISTERS OF
THERAPEUTIC MASSEURS AND THERAPEUTIC MASSAGE INTERNS AND THE
RESTORATION OF A NAME TO A REGISTER:
THE ALLIED HEALTH PROFESSIONS ACT, 2004**

Under section 55 of the Allied Health Professions Act, 2004 (Act No. 7 of 2004), read with sections 24, 26 and 32 of that Act, and on the recommendation of the Allied Health Professions Council of Namibia, I have made the regulations set out in the Schedule.

R. N. KAMWI

MINISTER OF HEALTH AND SOCIAL SERVICES

Windhoek, 17 October 2013

SCHEDULE

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PART 1
PRELIMINARY

Definitions

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

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

“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);

“therapeutic massage intern” means any person registered as such under these regulations for the purpose of qualifying as a therapeutic masseur, and “intern” has a corresponding meaning;

“registration authority” means the registration authority of a country responsible for the registration of a person to practice as a therapeutic masseur in that country;

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

PART 2
REGISTRATION OF THERAPEUTIC MASSEURS

Application for registration as therapeutic masseur and submitting of particulars

2. (1) An application for the registration of a person as a therapeutic masseur submitted to the registrar in terms of subsection (1) of section 20 of the Act must be accompanied, in addition to the documents and particulars specified in subsection (2) of that section, by -

- (a) a certified photocopy of the identity document or passport of the applicant;
- (b) a certificate issued by the Council in the form that the Council may determine, certifying that the applicant has passed the evaluation referred to in section 21(3) of the Act, if applicable; and
- (c) subject to subregulation (2), a certified photocopy of the original certificate of registration to practise as a therapeutic masseur in the country where the applicant obtained the qualification referred to in paragraph (a) of that subsection, issued by the registration authority of that country.

(2) If the applicant for registration as therapeutic masseur is not registered with the registration authority referred to in paragraph (c) of subregulation (1), he or she must submit to the registrar, together with his or her application for registration -

- (a) a certificate, issued by that registration authority, certifying that the qualification or qualifications of which the applicant is the holder, entitles him or her to registration as a therapeutic masseur in the country where the applicant obtained the qualification or qualifications; or
- (b) if he or she had been so registered previously, a certificate issued by that registration authority, confirming that previous registration, that his or her name has been removed from the register and the grounds for the removal.

(3) The Council may require the applicant for registration as therapeutic masseur to furnish, in the manner that the Council may determine, proof of the applicant's proficiency in the English language.

Additional education, tuition and training

3. (1) If the Council registers a person conditionally under section 22(2)(a) of the Act, the Council must determine whether the person so conditionally registered requires any additional education, tuition or training to qualify for registration as a therapeutic masseur under the Act.

(2) Particulars of the additional education, tuition or training, as the case may be, referred to in subregulation (1) must be endorsed by the Council upon the certificate of conditional registration issued by the Council in the name of that person under section 22(2)(b) of the Act.

PART 3
THERAPEUTIC MASSAGE INTERNS

Registration and training of therapeutic massage intern before registration as therapeutic masseur

4. (1) A person who holds a minimum qualification required for registration as a therapeutic masseur, must complete, after obtaining that qualification and before he or she is

entitled to registration, internship as a therapeutic massage intern at an approved facility for the period prescribed by subregulation (1) of regulation 5, during which period of time the intern must successfully complete practical training, to the degree and extent that the Council may determine, and to the satisfaction of the Council, in the disciplines specified in the Annexure.

(2) An application for registration as a therapeutic massage intern must be made in the form that the Council may determine and the duly completed form must be submitted to the registrar.

(3) An application referred to in subregulation (2) must be accompanied by -

- (a) a certificate or a certified photocopy of the certificate to the satisfaction of the Council, as proof that the applicant holds a prescribed 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 a therapeutic masseur or as an intern, or is still so registered, 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 photocopy of the identity document or passport of the applicant;
- (d) additional documents and information that the Council may determine;
- (e) a certified copy of the agreement of internship training entered into by and between the applicant and an approved facility; and
- (f) payment of the application fees, determined by the Council, relating to the registration of an intern, or proof of payment of the application fees.

(4) If the applicant for registration as a therapeutic massage intern is not registered with the registration authority referred to in paragraph (b) of subregulation (3), he or she must submit to the registrar, together with his or her application for registration -

- (a) a certificate, issued by that registration authority, certifying that the qualification or qualifications of which the applicant is the holder, entitles him or her to registration as a therapeutic masseur in the country referred to in that paragraph; or
- (b) if he or she had been so registered previously, a certificate issued by that registration authority, confirming that previous registration, that his or her name has been removed from the register and the grounds for the removal.

(5) The Council may require the applicant for registration as a therapeutic massage intern to furnish proof, in the manner that the Council may determine, of the applicant's proficiency in the English language.

(6) The Council, after having considered the application for registration as a therapeutic massage intern -

- (a) may grant the application if the Council is satisfied that the applicant -
 - (i) meets the requirements for the registration of an intern;
 - (ii) has complied with subregulation (3) and (4); and

- (iii) is proficient in the English language;
- (b) must refuse the application if the Council is satisfied that the applicant does not meet the requirements for the registration of an intern.
- (7) The Council must -
 - (a) inform the applicant for registration as a therapeutic massage intern in writing of the decision of the Council under subregulation (6);
 - (b) issue to the applicant for registration as a therapeutic massage intern a certificate of registration as an intern, if the application for registration as an intern is granted, in the form that the Council may determine, and enter the name of the applicant into the register;
 - (c) inform the applicant for registration as a therapeutic massage intern in writing, if the application for registration as an intern is refused, as soon as practicable of the grounds for the refusal.
- (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 of time that the Council may determine, if the applicant for registration as a therapeutic massage intern submits documentary proof to the satisfaction of the Council that he or she has -
 - (a) completed, at a training facility in another country and in accordance with the laws of that country pertaining to therapeutic masseurs or to therapeutic massage interns, training substantially equivalent to the applicable training prescribed by subregulation (1); or
 - (b) practised in another country, in accordance with the laws of that country, as a therapeutic masseur for the period of time and under the circumstances as may afford him or her experience and training substantially equivalent to the applicable training prescribed by subregulation (1).

Period and manner of training of therapeutic massage intern, agreement of internship and approval of facility for purposes of internship

5. (1) A therapeutic massage intern must complete, in the manner prescribed by these regulations, internship training for a period of six months.

(2) If the internship training prescribed by subregulation (1) is interrupted at any time, that training must consist of periods which, when added together, are not less than six months in aggregate.

(3) Any leave or sick leave taken, or any other absence from the approved facility, during the period of internship prescribed by this regulation, or any other interruption in the internship, must be added on to the period of internship so that a therapeutic massage intern completes not less than six months internship training.

(4) The training of a therapeutic massage intern in accordance with these regulations must be conducted at an approved facility or approved facilities as the Council may determine.

(5) The period of six months therapeutic massage internship prescribed by subregulation (1) must be completed within a period of 12 months after the date of the first registration of the therapeutic massage intern.

(6) If a therapeutic massage intern fails to comply with subregulation (5), his or her registration as a therapeutic massage intern must be regarded to be cancelled, subject to subregulation (7), as from the date upon which the period of 12 months prescribed by subregulation (5), is exceeded.

(7) The Council may extend in writing, on good cause shown, the period of 12 months prescribed by subregulation (5), within which the therapeutic massage internship must be completed.

(8) Before any person may commence with his or her therapeutic massage internship at an approved facility, he or she must -

- (a) register with the Council as a therapeutic massage intern in accordance with the Act and regulation 4;
- (b) enter into a written agreement of internship with the approved facility at which he or she must complete the internship, in the form and containing the conditions and particulars that the Council may determine; and
- (c) obtain from the Council a written approval of the agreement of internship entered into pursuant to paragraph (b).

(9) The Council may specify in writing, when approving a facility for the training of therapeutic massage interns, that only a specified portion of the training of a therapeutic massage intern must be undertaken at that facility, and that the remainder of the training must be undertaken at another approved facility or approved facilities so specified.

(10) If at any time during the period of internship of a therapeutic massage intern, the Council considers any training provided by the approved facility to be inadequate or unsatisfactory for any reason, the Council may withdraw its approval of the written agreement of internship referred to in paragraph (c) subregulation (8) by means of a written notice to both the approved facility and the therapeutic massage intern, after having afforded both the approved facility and the therapeutic massage intern the opportunity to be heard.

(11) Unless the Council otherwise determines, on good cause shown, any period of internship completed by a therapeutic massage intern under an agreement of internship cancelled under subregulation (6), or in respect of which the Council has withdrawn its approval under subregulation (10) of this regulation, or terminated in terms of regulation 6, is null and void.

(12) A therapeutic massage intern is subject, during his or her term of internship, to all the rules of professional conduct applicable to a therapeutic masseur.

(13) The criteria pertaining to therapeutic massage internship training are specified in the Annexure to these regulations.

(14) The Council may approve, subject to the other provisions of these regulations, a facility for the purpose of the training of therapeutic massage interns in accordance with these regulations.

(15) An application for the approval of a facility by the Council under subregulation (14) must be -

- (a) made in the form and manner, must be accompanied by the documents and particulars, and must comply with the conditions, including the payment of the application fees, that the Council may determine; and
- (b) submitted to the registrar.

(16) Before the Council approves any person or facility under, and for the purposes of, this regulation, the Council may conduct an inspection, in accordance with section 51 of the Act and payment of the inspection fees that the Council may determine, of the facility where the therapeutic massage intern must be trained.

(17) When the Council approves, under subregulation (14), a facility as an approved facility for the purposes of the training of a therapeutic massage intern, the Council must issue, in the name of that facility, a certificate of approval in the form, and specifying the particulars, that the Council may determine.

(18) An approval under subregulation (14) is subject to the conditions, and is valid for the period of time, that the Council may determine and specify in the certificate of approval issued under subregulation (17).

Commencement or termination of internship, or change of name

6. (1) A therapeutic massage intern must notify -
- (a) as soon as he or she commences internship, the Council in writing of the commencement and furnish the Council with the name and business address, including the telephone number and the other particulars that the Council may require, of the approved facility where he or she has commenced internship;
 - (b) if he or she terminates his or her internship with the approved facility referred to in paragraph (a), the Council in writing of the termination within a period of 30 days thereof;
 - (c) if he or she intends to terminate his or her internship with the approved facility referred to in paragraph (a) and to commence internship with any other approved facility, the Council in writing of the intended termination of 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 internship entered into between himself or herself and the other approved facility.
- (2) If the name or surname of an intern is changed for any reason, he or she must -
- (a) give written notice to the Council of the change of name, and submit documentary proof of such change, to the satisfaction of the Council, within a period of 30 days after the occurrence the change; and
 - (b) provide the Council, in writing, with the other particulars relating to the change of name or surname that the Council may require.

Completion of internship

7. (1) Upon the completion of the internship undertaken by a therapeutic massage intern in accordance with these regulations, the intern must submit to the Council proof of the completion, by means of a certificate or certificates, to the satisfaction of the Council, issued by the approved facility or approved facilities, as the case may be, where he or she completed the internship.

(2) The certificate prescribed by subregulation (1) must be in the form, and contain the particulars, that the Council may determine.

(3) The Council must not register any person as a therapeutic masseur unless he or she has submitted to the Council the certificate prescribed by subregulation (1).

PART 4
REGISTERS AND RESTORATION OF NAME TO REGISTER

Register of therapeutic masseurs

8. The register of therapeutic masseurs established and kept in accordance with subsection (2) of section 24 of the Act, must contain, in addition to the particulars specified by subsection (3) of that section, particulars of the specialities and additional qualifications entered against the name of the therapeutic masseur in accordance with section 32 of the Act, including any change in any of the particulars recorded in the register.

Register of therapeutic massage interns

9. The register of therapeutic massage interns established and kept in accordance with subsection (2)(c) of section 24 of the Act must contain, in addition to the particulars specified by subsection (3) of that section, particulars of the approved facility or facilities where the therapeutic massage intern is completing his or her internship, the date upon which he or she commenced with the internship and the date upon which it must be completed, including any change in any of the particulars recorded in the register.

Restoration of name to register

10. An application in terms of section 26(1) of the Act for the restoration of the name of a person to a register must be accompanied, in addition to the documents and particulars specified in subsection (2) of that section, by -

- (a) a certified photocopy of the identity document or passport of the applicant; and
- (b) the original registration certificate issued to the applicant under section 21(4)(b) of the Act, or a certified copy of the registration certificate.

PART 5
GENERAL

Language of forms and documents

11. (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 thereof into that language, acceptable to the Council.

ANNEXURE

CRITERIA PERTAINING TO THE SIX MONTH PERIOD THERAPEUTIC MASSAGE
INTERNSHIP TRAINING PROGRAMME
(Regulation 5(13))

The training of a therapeutic massage intern during the six month therapeutic massage internship period must take place at an approved facility and in all the following domains of therapeutic massage:

- (a) Practical Therapeutic Massage Techniques;
- (b) Principles of Therapeutic Massage Therapy;
- (c) Competence in Massage Techniques;
- (d) Patient Management and Care;
- (e) Practice Management and Hygiene;
- (f) Treatment Application; and
- (g) Ethics and Jurisprudence.

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 290

2013

REGULATIONS RELATING TO THE SCOPE OF PRACTICE OF A THERAPEUTIC
MASSEUR: ALLIED HEALTH PROFESSIONS ACT, 2004

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

R. N. KAMWI**MINISTER OF HEALTH AND SOCIAL SERVICES**

Windhoek, 17 October 2013

SCHEDULE

Definitions

1. In these regulations a word or an expression defined in the Allied Health Professions Act, 2004 (Act No. 7 of 2004) has that meaning.

Scope of practice of a therapeutic masseur

2. (1) Therapeutic massage therapy is the manipulation of the soft tissues of the human body by rubbing, kneading or tapping, with the use of touch, aimed at a specific therapeutic outcome.

(2) The acts especially pertaining to therapeutic masseurs are -

- (a) the verbal and physical assessment and evaluation of a patient's condition for the purpose of determining the state of health and the delivery of a treatment regime to meet the needs of the patient, including -

- (i) the assessment of the health history;
 - (ii) the observing of the posture and movement;
 - (iii) the assessment and palpation of the integumentary and myofascial structures;
 - (iv) the assessment of the range of motion by making use of a specific test for this purpose;
 - (v) the determining and preparing of a suitable patient-specific treatment protocol; and
 - (vi) the maintaining of comprehensive case records relating to the conditions and progress, and of all actions performed,
of or in connection with the patient;
- (b) the application of therapeutic massage treatment relating to the treatment and prevention of conditions or illnesses in a patient by the use of or applying non-invasive -
- (i) therapeutic massage techniques such as the manual mobilisation of soft tissue structures;
 - (ii) touch through pressure, stroking, gliding, effleurage, kneading, petrissage, lifting, percussion, tapotement, compression, holding, vibration, friction, pulling, movement and stretching by the digits, hands forearms, elbows, knees, feet or mechanical appliances which enhance massage therapy techniques;
 - (iii) active or passive movement within the normal physiological range of motion, active assisted and resisted movement and stretching;
 - (iv) other modalities or equipment to enhance the therapeutic massage treatment, including -
 - (aa) acupressure techniques;
 - (ab) myofascial trigger point therapy;
 - (ac) neuromuscular techniques;
 - (ad) train and counter-strain techniques;
 - (ae) hydrotherapy, cryotherapy and electrotherapy;
 - (af) myofascial release technique;
 - (ag) deep tissue massage;
 - (ah) stretching (passive and active);
 - (ai) manual joint mobilisation;
 - (aj) strapping and taping that does not restrict joint movement;

- (ak) ice and heat therapy;
 - (al) manual lymph drainage;
 - (am) connective tissue manipulation and massage;
 - (an) proprioceptive neuro-muscular facilitation (PNF);
 - (ao) various advance massage techniques including, but not limited to, transverse friction;
 - (pp) reflexology restricted to the training received by the therapeutic masseur;
 - (aq) nutritional and lifestyle advise;
 - (rr) primary health care screening methods;
 - (ss) safe use of essential oils;
 - (tt) application of therapeutic procedures, including topical non-prescription applications of herbs, salts, poultices and mudpacks, and tools and electric massages for the purpose of therapeutic benefit;
 - (uu) intra-oral and intra-nasal work, with additional informed consent, to address the specific considerations; and
 - (vv) female breast massage, with additional informed consent, to address the specific considerations; and
- (c) the promotion and maintaining of the health of the patient through -
- (i) attention to hygiene, physical comfort and reassurance of and to the patient;
 - (ii) the promotion of lifestyle changes that may include dietary advice, exercise, rest and sleep to assist in the rehabilitation of the patient;
 - (iii) the offering of specific suggestions and recommendations of self care and health maintenance activities including, but not limited to, self massage, movement, self-administered hydrotherapy applications, stress reduction and stress management techniques, and stretching activities;
 - (iv) the education of a patient leading to the attainment of optimal health by that patient;
 - (v) the recommendation of preparations that are not medicines, complementary medicines or scheduled substances; and
 - (vi) the consultation with, or the referral of the patient to, any other registered person, or medical practitioner or dentist registered as such under the Medical and Dental Act, 2004 (Act No. 10 of 2004), or 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), or nurse registered under the Nursing Act, 2004 (Act No.8 of 2004).

(2) The manipulation of soft tissue prescribed by subregulation (1), excluding sub-paragraph (vv) of subparagraph (iv) of paragraph (b) of that subregulation, is limited to external tissues.
