



NursingWatch

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Regulations regarding qualifications of foreign qualified health practitioners.

64 No. 30969 GOVERNMENT GAZETTE, 18 APRIL 2008

No. R. 427 18 April 2008

HEALTH PROFESSIONS ACT, 1974 (ACT 56 of 1974)

REGULATIONS RELATING TO THE QUALIFICATIONS FOR REGISTRATION OF FOREIGN

QUALIFIED HEALTH PRACTITIONERS

The Minister of Health intends, in terms of section **25** of the Health Professions Act, **1974** (Act

Po. **56** of 1974)(as amended by Act **29** of **2007**), and after consultation with the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations in

writing on the proposed regulations to the Director-General: Health, Private Bag X **828**, Pretoria,

0001 (for the attention of the Director Human Resource Stakeholder Relations and Management), within three month of the date of publication of this notice.

SCHEDULE

Definitions

1. In these regulations, any word or expression to which a meaning has been assigned in

the Act shall bear such meaning and unless the context otherwise indicates-

"board" means a professional board established in terms of section **15(1)** of the Act;

"foreign qualification" means a qualification obtained at an educational institution outside the Republic of South Africa;

"foreign qualified person" means a person who obtained a qualification for purposes of registration as a health practitioner at an educational **institution** outside the Republic of South Africa;

"independent practice" means the practising of a registered health profession by a registered health practitioner for his or her own account either in **solus** practice, or as a partner in a partnership with other health practitioner(s), or as an associate in an incorporated association with other health practitioners, or as a director of a company exempted from the provisions of the Act in terms of Section **54A** of the Act;

"military health service" means a health service rendered by the South African National Defence Force;

"public service" means a health service rendered by the State at the National, Provincial and local level of government, and includes organizations which function

under the auspices or are largely subsidized by the state or recognized by the council for

the purpose of these regulations;

"the Act" means the Health Professions Act, 1974 (Act No. 56 of 1974); and STAATSKOELANT, 18 APRIL 2008 NO. 30969 65

"volunteer service" means a health service rendered by a South African healthcare provider agency recognized by the council for the purpose of healthcare relief or assistance programmes.

Registration in the categories internship, public service, education, postgraduate study, military health service, and volunteer service

2. (1) The registrar may register a foreign qualified person who does not have any proof of having completed internship or a similar training elsewhere, as an intern in any of the professions registered under the Act and for which internship applies, if the education and training standard of such person's qualification is approved by the council as being equivalent to the education and training standard of approved South African educational institutions: Provided that in the case of an application for registration that is based on a qualification not referred to in this sub-regulation, the applicant shall, before registration:-

(a) furnish the council with authoritative information on the education and training required for such a qualification, and if the standard of such education and training is considered satisfactory by the council, such qualification may be approved by the council; and

(b) pass an examination in terms of section 25 (2) of the Act in the profession for which he or she applies for registration or an assessment as may be determined by the council from time to time.

(2) The registrar may register a foreign qualified person in the category public service in any of the professions registered under the Act, if the education and training standard of such qualification is approved by the council as being equivalent to the education and training standard of approved South African educational institutions: Provided that in the case of an application for registration that is based on a qualification not referred to in this sub-regulation, the applicant shall, before registration:-

(a) furnish the council with authoritative information on the education and training required for such a qualification, and if the standard of such education and training is considered satisfactory by the council, the council may approve such qualification; and

(b) pass an examination in terms of section 25 (2) of the Act in the profession for which he or she applies for registration or an appropriate assessment as may be determined by the council from time to time.

(3) In the case of a South African citizen with a foreign qualification contemplated in subregulation (2), such foreign qualified person must provide proof of having complied with section 24A of the Act before the registrar may register him or her.

(4) The registrar may register a foreign qualified person in the category public service in terms of a government-to-government agreement entered into by the Republic of South Africa and the country of the applicant: Provided that the registration thereof shall be limited to a period as agreed upon by the two countries and the field of practice as stipulated in the registration certificate.

(5) The registrar may register a foreign qualified person in the category education in any of the professions registered under the Act if such a person is to be employed

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as a lecturer, tutor or researcher by a higher education or research institutions approved by the board for teaching, training or research purposes.

(6) The registrar may register a foreign qualified person in the category postgraduate study in any of the professions registered under the Act, if such a person is to be enrolled for postgraduate study and research as the holder of an appointment that is of a temporary and supernumerary nature for a period not exceeding five years.

(7) The registrar may register a foreign qualified person in the category military health service in any of the professions registered under the Act, if such a person is to participate in any military operation at the recommendation of the Surgeon General of the South African National Defence Force.

(8) The registrar may register a foreign qualified person in the category volunteer service in any of the professions registered under the Act, if such a person is to participate in health care relief or assistance programmes of a temporary nature authorised by the Director-General of Health in consultation with the relevant professional board of the Council.

Registration in the category independent practice

3. (1) The registrar may register a foreign qualified person in the category independent practice in any of the professions registered under the Act and for which independent practice applies, if such a person has:-

(a) complied with the qualification requirements for registration referred to in regulation 2(2) of these regulations;

(b) complied with the requirements of the Immigration **Act**, 2002 pertaining to permanent residence status in, or citizenship of the RepuMic; and

(c) passed the relevant examination for registration in the category independent practice.

(2) In the case of a foreign qualified person who is a South African citizen, such person must have complied with subregulation (1)(a) and (c) of this regulation, and also provide proof of having complied with the requirements of section 24A of the Act.

Application for registration

4. An application for registration as a health practitioner in any of the professions registered under the Act by any foreign qualified practitioner shall be made on the prescribed application form obtainable from the professional board concerned, and shall

be accompanied by:-

(a) a certified copy of the applicant's identity document/passport or such other proof of his or her age and correct names as may be acceptable to the registrar;

(b) a copy of the degree certificate or other basic qualification certified by a Notary Public and a sworn translation thereof into English;

(c) A certified copy of the official and detailed curriculum of the applicant's course of study, specific courses, content of education (theory) and training (practical/clinical), duration and the mode of examination or evaluation;

(d) a verification of credentials as may be required by the board;

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(e) in the case of an application for registration in a profession for which internship training is a requirement, a certificate of completed training as an intern or of similar training or experience obtained elsewhere;

(f) in the case of an application for registration in the category independent practice, proof of compliance with the requirements of regulation 3 of these regulations;

(g) an original certificate of good standing, which must not be more than six months old, issued by the foreign registration authority where the applicant is **currently** registered or was registered;

(h) a letter of endorsement issued by the Director-General: Health or the relevant institution for registration in terms of regulation **2(1)** to (8) confirming employability or placement of the applicant, or letter of exemption from the category public service or community service where the National Department of Health cannot provide for posts in the public service; **and**

(i) the prescribed registration fee.

Repeal

5. These regulations shall, from date of publication repeal any provision in any of the professional boards regulations dealing with the qualifications for registration of foreign qualified practitioners and the regulations published under Government Notice No R.1203 of 28 November 2000.

Minister d: Health

Date 8-4-2008

Kind regards

Sharon Slabbert

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