

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF HEALTH

NO. 1322

16 OCTOBER 2019

NURSING ACT, 2005 (Act No. 33 of 2005)**Regulations Relating to the Approval of and the Minimum Requirements for the Education and Training of a Learner or Student Leading to Registration as a Nurse Specialist or Midwife Specialist**

The Minister of Health intends, in terms of section 58(1)(f) of the Nursing Act, 2005 (Act No. 33 of 2005) and after consultation with the South African Nursing Council, to make the Regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed Regulations to the Director-General of Health, Private Bag X828, Pretoria, 0001, mihloti.mushwana@health.gov.za (for the attention of the Director: Public Entities Governance), within one month of publication of this Notice.

SCHEDULE**Definitions**

1. In this Regulations any expression to which a meaning has been assigned in the Act shall bear such meaning, and, unless the context indicates otherwise—

“**academic year**” means a period of 1200 (one thousand two hundred) notional hours which equal to 120 (one hundred and twenty) credits;

“assessment” means a structured process for gathering evidence and making judgments about a learner’s or student’s performance in relation to the prescribed outcomes for the programme;

“assessor” means a practitioner registered as such with the respective Health Professions Council who is responsible for the assessment of the learner’s or student’s achievement of the learning outcomes for the programme;

“clinical accompaniment” means a structured and planned process by a Nurse Educator or Mentor who accompanies the learner or student to facilitate directed assistance and support at the clinical facility, to ensure the achievement of the programme outcomes;

“clinical facility” means a continuum of services to promote health and provide care to individuals and groups, approved and used for the teaching of learners or students;

“clinical learning opportunities” means the range of learning experiences, including work integrated and in-service learning, available in a healthcare setting, which may also include other experiential learning sites where a learner or student has the opportunity to gain the required clinical skills;

“clinical placement” means the period spent by a learner or student in clinical facility and other experiential learning sites to ensure that the outcomes of the programme are achieved;

“clinical supervision” means the assistance and support extended to the learner/student by the Nurse or Midwife Specialist in a clinical facility, with the aim of developing a competent and independent Nurse or Midwife Specialist;

“competence” means the ability of a practitioner to integrate the professional attributes; including, but not limited to knowledge, skills, judgment, values and beliefs required to perform as a Nurse or Midwife Specialist in all situations and practice settings;

“core learning” means the specific compulsory learning required in situations contextually relevant to the particular qualification;

“elective” means a selection of credits at the level of the National Qualification Framework (NQF), specified from which a choice may be made to ensure that the purpose of the qualification is achieved;

“exit level outcomes” means a description of demonstrable and assessable end products of a learning process;

“fee” means an amount of money payable to the Council as determined from time to time and published by Notice in the *Government Gazette*;

“fundamental learning” means learning which forms the grounding or basis needed to undertake a specific programme;

“integrated assessment” means forms of assessment which permit the learner/student to demonstrate knowledge and applied competence, and which use a range of formative and summative assessment methods;

“integrated education and training” means connecting skills and knowledge from multiple sources and experiences, applying theory and practice in various settings, utilizing diverse and even contradictory viewpoints, and understanding issues and positions contextually;

“Learner or Student or Nurse or Midwife” means a person registered with the Council as such in terms of section 32 of the Act;

“learning outcomes” means the prescribed competencies and educational outcomes for the programme;

“mentor” means a professional person who possesses relevant expertise, who will be able to transfer knowledge, skills, behaviour and values to an individual with less experience in a specific field;

“moderation” means the process conducted by an independent moderator, which ensures that assessment of the outcomes prescribed for the programme is fair, valid and reliable;

“moderator” means a practitioner registered as such with the Council, who is responsible for the moderation of assessments conducted by the Nursing Education Institutions for the programme;

“Nurse Specialist or Midwife/Specialist” means a person who has in-depth knowledge and expertise in a specific practice area and is registered as such in terms of Government Notice No. 368 of 15 May 2014;

“Nursing Education Institution” means the Nursing Education Institution as defined in the Act;

“programme” means a purposeful and structured set of learning experiences that leads to registration in the category Nurse Specialist/Midwife Specialist;

“qualification” means a planned combination of learning outcomes with a defined purpose, that is intended to provide qualifying learners or students with applied competence for meeting the prescribed requirements of the qualification in the category Nurse Specialist/Midwife Specialist, that is registered on the National Qualifications Framework (NQF);

“Recognition of Prior Learning” means the evidence-based assessment comparison of previous learning and experience against the learning outcomes required for a specific programme of a learner, howsoever obtained, and the acceptance of such previous learning for the purpose of accessing a programme; awarding of credits and advance standing; and

“the Act” means the Nursing Act, 2005 (Act No. 33 of 2005).

Application of these Regulations

2. These Regulations shall apply in the Republic of South Africa to—

- (a) All programmes leading to registration as a Nurse Specialist or Midwife/Specialist;
- (b) All learners or students following such programmes; and

- (c) Nursing Education Institutions offering the postgraduate programmes.

Programme admission requirements

3. (1) A person may only apply to a Nursing Education Institution that is accredited to provide the programme referred to in these Regulations.
- (2) In order to be admitted to the programme, a person must be registered with the Council as -
- (a) a Professional Nurse; or
 - (b) a General Nurse with a midwifery qualification; and
 - (c) have proof of current registration as a Professional Nurse or General Nurse with a midwifery qualification.

(3) Registration with the Council referred to in sub-regulation (2)(c) must be maintained for the full duration of the programme, failing which the duration of education and training undergone in the period during which such registration was not maintained shall be rendered invalid.

(4) A person with foreign nursing qualifications must be registered by the Council as a Professional Nurse or General Nurse and Midwife prior to admission into the programme provided for in these Regulations.

Minimum requirements for the programme

4. (1) The requirements for the programme must be read and applied in conjunction with the guidelines of such a programme, which must be determined and published by the Council from time to time.

(2) Learner or student may enter the programme with at least two years' experience after registration as a Professional Nurse or General Nurse and Midwife

(3) The duration of training is determined by the achievement of the required credits of the programme, provided the programme duration is not less than one academic year.

(4) The Nursing Education Institution must:-

- (a) ensure that a learner or student must, throughout the programme, receive integrated education and training to achieve both theoretical and clinical outcomes;
- (b) ensure that a learner or student must comply with all clinical placement requirements of the programme as determined by the Council;
- (c) ensure that the maximum period that a learner or student may spend in a simulated learning environment must comply with the conditions, which may be determined by Council from time to time;
- (d) set clinical learning outcomes in line with the purpose and outcomes of the programme for each of the specializations; and
- (e) keep detailed records of all clinical education and training and must provide such to the Council whenever required to do so.

(5) Clinical education and training must only be provided in clinical facilities that are approved in terms of the accreditation of the programme.

(6) Clinical learning must take place in a range of clinical settings and other learning sites that will facilitate the achievement of the programme outcomes.

(7) The Nursing Education Institution is accountable for clinical accompaniment of learners or students at all relevant times.

(8) Clinical education and training include learning experience at night.

Requirements for registration in the category Nurse Specialist or Midwife Specialist

5. (1) A person may be registered in the category Nurse Specialist or Midwife Specialist in terms of Notice Relating to the Creation of Categories of Practitioners in terms of Section 31(2) of the Act published in Government Notice No. 368 of 15 May 2014 if such a person -

- (a) received education and training at a Nursing Education Institution that is accredited to provide the programme;
- (b) was registered with the Council as a learner/student for the duration of the programme;
- (c) has met the requirements of the accredited programme;
- (d) has been assessed and found competent in all exit level outcomes of the programme; and
- (e) has complied with any other conditions as may be determined by the Council.

(2) The person in charge of the Nursing Education Institution where the learner or student was registered must, on completion or termination of the programme, within the time frame specified in the Act, submit to the Council -

- (a) a record of theoretical and clinical education and training in a format as determined by the Council;
- (b) a record of summative assessments conducted, including recognition of prior learning where applicable;
- (c) a declaration in a format as determined by the Council, signed by the person in charge of the Nursing Education Institution, certifying that the learner or student has met the prescribed educational requirements and is competent for registration in the category Nurse Specialist or Midwife Specialist; and
- (d) any other information as may be required by the Council.

(3) The application for registration in the category Nurse Specialist or Midwife Specialist must be in accordance with the *Regulations Relating to the Particulars to be Furnished to the Council for Keeping of the Register for Nursing Practitioners; the Manner of Effecting Alterations to the Register; and Certificates that may be issued by the Council*, published in Government Notice No. R.195 of 19 February 2008.

(4) In the case of a person that was not duly registered with the Council as a learner or student contemplated in subregulation (1)(b), education and training undergone during the period when the person was not registered as a learner or student shall not be recognised by Council.

Minimum exit level outcomes

6. In order to comply with regulation 5(1)(d) above, the Nursing Education Institution at which the Learner or Student is enrolled must ensure a learner undergoing this programme has been trained to:

- (a) Practice within ethical-legal parameters of the profession, and resolves professional-ethical dilemmas by using clinical judgement, decision-making and moral reasoning models.
- (b) Apply knowledge and principles of the research process applicable to specialist practice.
- (c) Render and co-ordinates comprehensive specialist nursing or midwifery care according to the patient's needs, using the scientific approach.
- (d) Implement standards of practice relevant to the area of specialization, to ensure quality patient care and safety.
- (e) Apply specialist knowledge when communicating, making theoretical arguments and developing documentation.
- (f) Participate actively in the multi-disciplinary team by demonstrating shared leadership and decision-making.

- (g) Facilitate advocacy for the profession and provision of professional support for personnel, patients, families and communities to promote independence and behavioural change, to enhance health outcomes.
- (h) Demonstrate scholarship through evidence-based practice (education).
- (i) Participate in the design, development, implementation and evaluation of nursing policies, programmes and projects.
- (j) Implement appropriate strategies to develop self and other nurses.
- (k) Develop and implements policies, protocols, and guidelines in the area of specialization, in improvement of quality of care.
- (m) Commission and manage a specialist health care unit, health care facility or educational entity, based on the understanding of the roles and relationships within the multi-disciplinary team.

Assessment and moderation of learning outcomes

7. (1) Assessment of learning by a Nursing Education Institution must comply with the following—

- (a) it must be conducted by an assessor and moderator qualified in the specific field of study, and registered with the relevant Council;
- (b) the learner or student must be assessed and found competent in all learning outcomes of the programme, in line with the associated assessment criteria;
- (c) a minimum of 60% of formative clinical assessment activities must be conducted in real life situations, and the remaining 40% can be in simulation settings;
- (d) there must be evidence of continuous assessment throughout the period of education and training;
- (e) there must be evidence of moderation of assessments;

- (f) records of assessment and moderation must be kept by the Nursing Education Institution, which should be produced on request by the Council; and
- (g) any other requirements as may be determined by the Council from time to time.

(2) Notwithstanding the provisions in subregulation (1), the Council may delegate the assessment and moderation functions to another organisation it deems fit.

Recognition of Prior Learning (RPL)

8. (1) A learner or student who wishes to undertake RPL must:

- (a) apply for Recognition of Prior Learning to a Nursing Education Institution accredited to offer the postgraduate diploma programme;
- (b) provide evidence of prior learning by means of portfolios and other forms of appropriate evidence; and
- (c) comply with the Nursing Education Institution's Recognition of Prior Learning Policies and/or Procedures.

(2) Exemption based on Recognition of Prior Learning should be limited to not more than 50% of the modules or courses of the qualification programme in question.

(3) The process referred to in subregulation (1) must meet the Council's requirements and those of the National Policy for Recognition of Prior Learning.

(4) The assessment of prior learning referred to in subregulation (1) must be conducted by an assessor and moderator registered in terms of Regulation 7(1)(a).

(5) The Nursing Education Institution must submit to the Council the credits awarded through the assessment of prior learning as part of the completion of training records referred to in Regulation 5(2)(b).

(6) The Nursing Education Institution where Recognition of Prior Learning has taken place must keep specified comprehensive records of the assessment conducted, and all documentation pertaining to such assessment should be produced on request by the Council.

(7) Where a Nursing Education Institution fails to produce the Recognition of Prior Learning records, the Council may nullify the number of credits achieved through RPL.

Transfers

9. (1) Where the a learner or student is transferred from a Nursing Education Institution to another, the person in charge of the Nursing Education Institution transferring the learner must—

- (a) Submit to the receiving Nursing Education Institution, on request, a specified record of all education and training that the learner had undergone; and
- (b) Submit to the Council—
 - (i) a record of education and training undergone by the learner or student, in a format determined by the Council; and
 - (ii) a notice of termination of education and training, in a format determined by the Council.

(2) The Nursing Education Institution receiving the transferred learner or student referred to in subregulation (1) must submit to the Council an application for readmission of the learner or student into the programme, in terms of section 32 of the Act.

Schedule of postgraduate programmes

10. The schedule of approved postgraduate programmes shall be posted on the website of the Council.

Transitional arrangements

11. (1) The Regulations mentioned in the Schedule below under Regulation 12 will remain in force until repealed by Notice published in the *Government Gazette*.

(2) Notwithstanding the provisions of subregulation (1), the Council must, from the publication date of these Regulations, cease to accredit any new Nursing Education Institution to offer the education and training programme referred to in subregulation (1).

(3) Notwithstanding the provisions of subregulation (1), Nursing Education Institutions accredited for education and training programmes in terms of the Regulations mentioned in subregulation (1) must cease to admit new learners/students to such programme from the publication date of these Regulations, in line with subregulation (2).

(4) The Nursing Education Institutions referred to in subregulation (3) must ensure that all education and training programmes that commenced prior to the date referred to in subregulation (2) are completed within a period of three years from that date.

(5) Notwithstanding the provisions of subregulation (1), no person may, after promulgation of these Regulations, be registered as a learner or student for the first time for the education and training programmes in terms of the Regulations contemplated in sub-regulation (1), any such registration is null and void.

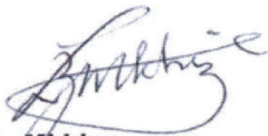
(6) Notwithstanding the provisions of subregulation (1), learners or students registered in terms of the Regulations contemplated in subregulation (1) must continue with their studies until the end of the three-year period contemplated in subregulation (4).

Repeal

12. The Regulations in the Schedule below are, subject to the provisions of Regulation 11(1), hereby repealed.

Title

13. These Regulations are called Regulations Relating to the Approval of and the Minimum Requirements for the Education and Training of a Learner or Student Leading to Registration as a Nurse Specialist or Midwife Specialist, 2019.



Dr Zwelini L. Mkhize,

Minister of Health, MP

Date: 3/10/2019.

SCHEDULE
(REGULATION 12)

No. and year	Title	Extent of repeal
R. 48	Regulations for the Diploma in Clinical Nursing Science, Health Assessment, Treatment and Care	The whole
R. 118	Regulations Concerning the Minimum Requirements for Registration of the Additional Qualification in Nursing Education	The whole
R. 203	Regulation for the Diploma in Unit Management for Registered Nurses	The whole
R. 212	Regulations Relating to the Course in Clinical Nursing Science Leading to Registration of an Additional Qualification	The whole
R. 276	Regulations for the Diploma in Community Nursing Science	The whole
R. 1501	Regulations for the Course for the Diploma in Nursing Administration	The whole