

Namibia

Hospitals and Health Facilities Act, 1994

## Regulations relating to Classification of State Hospitals, Admission of Patients to State Hospitals, and Fees Payable by Patient Receiving Treatment in, at or from State Hospital, 2010

Government Notice 73 of 2010

Legislation as at 15 November 2017

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PDF created on 16 March 2026 at 09:23.

*Collection last checked for updates: 15 November 2017.*

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FRBR URI: /akn/na/act/gn/2010/73/eng@2017-11-15

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Regulations relating to Classification of State Hospitals, Admission of Patients to State Hospitals, and Fees Payable by Patient Receiving Treatment in, at or from State Hospital, 2010 (Government Notice 73 of 2010)

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Republic of Namibia  
Annotated Statutes

Hospitals and Health Facilities Act, 1994

**Regulations relating to Classification of State  
Hospitals, Admission of Patients to State  
Hospitals, and Fees Payable by Patient Receiving  
Treatment in, at or from State Hospital, 2010**  
Government Notice 73 of 2010

[Published in Government Gazette 4459 on 15 April 2010](#)

[Commenced on 1 April 2010](#)

[\[This is the version of this document at 15 November 2017.\]](#)

[\[Note: The version of this legislation as at 15 November 2017 was revised and consolidated by the Legal Assistance Centre and the Government of the Republic of Namibia. All subsequent amendments have been researched and applied by Laws.Africa for Namibia.\]](#)

[\[The Government Notice which issues these regulations repeals the regulations contained in GN 43/1993 \(GG 621\), GN 199/1995 \(GG 1183\) and GN 12/2001 \(GG 2468\). These previous regulations were issued under the Hospitals Ordinance 14 of 1972 and deemed to have been made under the Hospitals and Health Facilities Act 36 of 1994 by section 39\(2\)\(c\) of that Act.\]](#)

## 1. Definitions

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

“**admission**” means the receiving or accepting of person into a state hospital for treatment as either an out-patient, a casualty or an in-patient, and “**admit**” has a corresponding meaning;

“**admitting officer**” means the person to whom the duties and powers in relation to the admission of patients to a state hospital have been assigned;

“**child**” means a person who is under the age of 16 years;

“**classify**” means to classify or re-classify-

- (a) a patient as either a state patient or a private patient, as the case may be, and “**classified patient**” or “**class of patient**” has a corresponding meaning; or
- (b) a state hospital into any of the categories of state hospitals prescribed by regulation 2, and “**classified hospital**” or “**class of hospital**” has a corresponding meaning;

“**dependant**” means any person who is dependent upon any other person for his or her maintenance, and that other person, in the discretion of the Minister, is responsible for the maintenance of that first-mentioned person;

“**first visit**”, in relation to an out-patient, means the admission of a person for the first time in or at a particular state hospital for the treatment of an illness or ailment after a period during which that person has not received treatment for that illness or ailment in or at that particular state hospital or any other state hospital, but any continued treatment within a period of 24 hours after that admission must be considered to be part of the first visit;

“**follow-up visit**”, in relation to an out-patient, means the admission of a person, during working hours, at any time after the first visit, in or at a state hospital for the treatment of an illness or ailment;

“**free treatment**” includes the supply of the care, investigations, services, accommodation, pharmaceutical and medical supplies, agents, prosthesis, orthosis, conveyance and other treatment and items prescribed by the Annexure to these regulations, free of charge;

“**head of the facility**” means the superintendent of a state hospital, or any other person designated by the Permanent Secretary as the person in charge of that state hospital or other state health facility, and “head of the state hospital” has a corresponding meaning;

“**not applicable**” means that the relevant treatment, services or amenities are not available at the hospital, and “N.A.” has a corresponding meaning;

“**medical care**” means medical care as defined by the Medical and Dental Act, 2004 (Act [No. 10 of 2004](#));

“**midwifery care**” means midwifery care prescribed under the Nursing Act, 2004 (Act [No. 8 of 2004](#));

“**nursing care**” means nursing care prescribed under the Nursing Act, 2004;

“**police**” means any member of the Namibian Police as defined in the Police Act, 1990 (Act [No. 19 of 1990](#));

“**private patient**” means any person classified, or re-classified, as a private patient in accordance with these regulations;

“**public holiday**” means a public holiday referred to in, or declared under, section 1 of the Public Holidays Act, 1990 (Act [No. 26 of 1990](#));

“**social care**” means social care as prescribed under the Social Work and Psychology Act, 2004 (Act [No. 6 of 2004](#));

“**social worker**” means a person registered as such under the Social Work and Psychology Act, 2004;

“**speciality**” means a speciality in medicine or dentistry prescribed under the Medical and Dental Act, 2004 (Act [No. 10 of 2004](#));

“**state hospital**” means a state hospital classified under regulation 2 into the applicable category of state hospitals prescribed by subregulation (1) of that regulation, and includes a state health facility;

“**state patient**” means any person classified, or re-classified, as a state patient in accordance with the Act and these regulations;

“**sub-speciality**” means a sub-speciality in medicine prescribed under the Medical and Dental Act, 2004;

“**the Act**” means the Hospitals and Health Facilities Act, 1994 (Act [No. 36 of 1994](#)); and

“**working hours**” means the hours between 07h00 and 17h00 on a week day and between 07h00 and 13h00 on a Saturday, excluding a week day or a Saturday that is a public holiday.

## 2. Classification of state hospitals

- (1) The Permanent Secretary may classify, subject to the other provisions of these regulations, every state hospital or state health facility as either-
  - (a) a “Class A” State Hospital (Central Hospital);
  - (b) a “Class B Level 1” State Hospital (Intermediate Hospital Level 1);
  - (c) a “Class B Level 2” State Hospital (Intermediate Hospital Level 2);
  - (d) a “Class C” State Hospital (District Hospital);
  - (e) a “Class D” State Health Facility (Health Centre);
  - (f) a “Class E” State Health Facility (Clinic); or
  - (g) a “Class F” State Health Facility (Mobile Clinic or Outreach Service Point or Community Health Post).
- (2) When classifying a state hospital or state health facility under subregulation (1), the Permanent Secretary must take into consideration and be guided by-
  - (a) the nature of the accommodation, amenities, human resources, medical technology, treatment, services and facilities provided by;
  - (b) the capital invested in and the expenses, including running costs, incurred in connection with,that state hospital or state health facility; and
  - (c) the following service provision at-
    - (i) a “Class A” State Hospital (Central Hospital): Essential, advanced and highly sophisticated medical specialist services, including a wide range of sub-specialities, general and specialised nursing and midwifery care, and promotive, preventative, rehabilitative and social care, for 24 hours per day, seven days per week, including public holidays;
    - (ii) a “Class B Level 1” State Hospital (Intermediate Regional Referral Hospital): Essential and advanced medical specialist services, including a limited range of sub-specialities, general and specialised nursing and midwifery care, and promotive, preventative, rehabilitative and social care, for 24 hours per day, seven days per week, including public holidays;
    - (iii) a “Class B Level 2” State Hospital (Intermediate Regional Referral Hospital): Selected essential medical specialist services, restricted to main specialities, general nursing and midwifery care, and promotive, preventative, rehabilitative and social care for 24 hours per day, seven days per week, including public holidays;
    - (iv) a “Class C” State Hospital (District Hospital): General family medical care, general nursing and midwifery care, promotive, preventative and social care, for 24 hours per day, seven days per week, including public holidays;
    - (v) a “Class D” State Health Facility (Health Centre): Limited family medical care, general nursing and midwifery care, promotive, preventative and limited social care during those working hours determined by the Permanent Secretary;
    - (vi) a “Class E” State Health Facility (Clinic): Promotive and preventative medical care, general nursing and midwifery care and intermittent family medical care during those working hours determined by the Permanent Secretary; and

- (vii) a "Class F" State Health Facility (Community Mobile Clinic or Outreach Service Point or Community Health Post): Regular promotive and preventative services, intermittent general nursing care from Mondays to Fridays, excluding public holidays, on the days and during the hours determined by the Permanent Secretary.
- (3) The Permanent Secretary, when classifying a state hospital under subregulation (1)-
- (a) may-
    - (i) request that state hospital to furnish him or her with such information relating to; and
    - (ii) collect any information relating to, or conduct any investigation into the activities of, that state hospital as he or she may consider necessary for the purposes of classifying a state hospital under subregulation (1);
    - (iii) re-classify a state hospital classified under subregulation (1), subject to the other provisions of this regulation, as any other class of state hospital; and
  - (b) must in writing inform each state hospital of its classification under subregulation (1) or its re-classification under subparagraph (iii) of paragraph (a) of this subregulation.

### 3. Furnishing of information by patient

- (1) On the admission of a patient to a state hospital, or as soon as practicable thereafter-
- (a) the patient; or
  - (b) if the patient is a dependant of any other person, that other person; or
  - (c) if neither the patient nor the person of whom the patient is a dependant is able to do so at that moment, any other person on behalf of the patient or of the person of whom the patient is a dependant,
- must furnish to the admitting officer particulars of the patient relating to his or her-
- (i) full names, surname, maiden name (where applicable) and identity number;
  - (ii) date of birth and age;
  - (iii) citizenship;
  - (iv) resident status;
  - (v) residential address and business address;
  - (vi) telephone number and cell phone number (if any);
  - (vii) employer (if any), including the name and address of the employer; and
  - (viii) next of kin, including the name, address and telephone numbers of that person or those persons.
- (2) If the patient-
- (a) is a private patient, subject to regulation 4, the name of the medical aid fund of which the patient, or the person of whom the patient is a dependant, is a member, and his or her membership card or membership number, must be furnished in terms of subregulation (1);
  - (b) is a dependant of any other person, it is not necessary to furnish the information relating to the patient prescribed by paragraph (vii) of subregulation (1).

- (3) On the admission to a state hospital of a patient who is a dependant of any other person, or as soon as practicable thereafter, the person of whom the patient is a dependant must furnish the information prescribed by subregulation (1) relating to himself or herself to the admitting officer.
- (4) If the person of whom the patient is a dependant is not able to comply with subregulation (3), any other person may furnish the admitting officer with the prescribed information on behalf of the person of whom the patient is a dependant.

#### **4. Payment of hospital fees by medical aid schemes and funds, written undertaking, cash deposit or bank guarantee**

- (1) If a person is admitted to a state hospital as a private patient in accordance with section 18 of the Act, and if he or she is able to submit proof to the admitting officer-
    - (a) that the fees payable in respect of the treatment of that patient in, at or from that state hospital is payable on behalf of that patient by the Public Service Employees Medical Aid Scheme (PSEMAS), managed and controlled under the Public Service Act, 1995 (Act [No. 13 of 1995](#)), then notwithstanding the fees prescribed by the Annexure to these regulations, the fees payable in respect of the treatment of that patient must be calculated in accordance with the benefits payable by PSEMAS;
    - (b) that-
      - (i) he or she is a member of any medical aid fund registered under the Medical Aid Funds Act, 1995 (Act [No. 23 of 1995](#)) and that the fees payable in respect of the treatment of that patient in, at or from that state hospital is payable on behalf of that patient by that registered medical aid fund;
      - (ii) the fees payable in respect of the treatment of that patient in, at or from that state hospital is payable on behalf of that patient by the Social Security Commission in accordance with the Employees Compensation Act, 1941 (Act [No. 30 of 1941](#)), or is payable by the Motor Vehicle Accident Fund in accordance with the Motor Vehicle Accident Fund Act, 2007 (Act [No. 10 of 2007](#),
- that state hospital must charge, in respect of the treatment of that patient in, at or from that state hospital, the fees payable by private patients prescribed by the Annexure to these regulations.
- (2) If the person referred to in subregulation (1) is unable to submit proof to the satisfaction of the admitting officer that he or she is a patient referred to in paragraph (a) or (b) of that subregulation, then he or she must pay, upon admission to the state hospital, a cash deposit equal to the amount of the total estimated costs of or relating to the treatment of that person in, at or from that state hospital, or submit to the admitting officer a valid bank guarantee, to the satisfaction of the head of that state hospital, for payment of the estimated costs of treatment.
  - (3) Notwithstanding these regulations, if a person is a dependant of any other person and desires admission to, or treatment in, at or from a state hospital as a private patient, the person of whom he or she is a dependant need not furnish the information referred to in regulation 3(1)(vii), or have such information furnished on his or her behalf, if-
    - (a) a written undertaking, to the satisfaction of the head of that state hospital, that the patient or the other person, as the case may be, will pay for the treatment concerned in, at or from the state hospital to which that patient desires admission, at the tariff of the prescribed fees payable by private patients receiving treatment in, at or from that class of state hospital; or

- (b) a cash deposit or valid bank guarantee, to the satisfaction of the head of that state hospital, for an amount adequate to cover the full amount of the fees that, in the opinion of the admitting officer, will become payable in respect of that treatment,

is furnished by or on behalf of the patient, or the person of whom the patient is a dependant, to the admitting officer.

- (4) The head of a state hospital may require, notwithstanding these regulations, from any private patient who desires admission to, and treatment in, at or from that state hospital as a private patient, or if that patient is the dependant of any other person, from the person of whom he or she is a dependant, a cash deposit or bank guarantee, to the satisfaction of that head of that state hospital, in an amount adequate to cover the full amount which in the opinion of that head of that state hospital may become payable in respect of that treatment.
- (5) If a deposit is made to a state hospital in terms of subregulation (2) or (4), and if the final amount of the hospital fees payable by a private patient is less than the amount of the deposit so made, the head of that state hospital must refund the surplus to the person who made the deposit, within a period of not more than two calendar months after the discharge of that patient from that state hospital.

## 5. Classification of person as a private patient or a state patient

- (1) The admitting officer must classify, in accordance with section 18 of the Act, any person who desires treatment in, at or from state hospital as either a state patient or a private patient.
- (2) When classifying a patient under subregulation (1) of this regulation, or re-classifying that patient under regulation 6, as either a state patient or a private patient, the fact that the patient, at any point in time prior to the classification or re-classification-
  - (a) was treated by a private practitioner;
  - (b) received treatment in a private hospital; or
  - (c) was conveyed in an ambulance licensed as a private health facility under the Act,may not be taken into consideration.
- (3) For the purposes of subregulation (1), a dependant has the same classification as the classification of the person of whom he or she is a dependant.
- (4) The Permanent Secretary must resolve any dispute as to whether or not a patient is a Namibian citizen or has been lawfully admitted to Namibia for permanent residence therein as required by subsection (2) of section 18 of the Act.

## 6. Rectification of incorrect classification of patient by Permanent Secretary

- (1) The Permanent Secretary, of his or her own accord or on an application in terms of subregulation (2), may re-classify as either a state patient or as a private patient, as the case may be, any person classified as a state patient or a private patient under subregulation (1) of regulation 5, if the Permanent Secretary is satisfied that the classification of the patient has been done incorrectly.
- (2) Any person referred to in subregulation (1) who desires a re-classification as either a state patient or a private patient, as the case may be, or the head of a state hospital who is not satisfied, for any reason, with the classification of a patient admitted to a state hospital, must apply in writing to the Permanent Secretary for the re-classification of that patient.
- (3) Before re-classifying a patient under subregulation (1), the Permanent Secretary may obtain from the patient, or if the patient is a dependant of any other person, from that other person, or from the head of that state hospital, the admitting officer or any other person, such information relating to the matter as the Permanent Secretary may regard as necessary for considering the re-classification of that patient.

## 7. State patient benefits and responsibilities

- (1) A person receiving free or subsidised treatment in accordance with regulation 9 or 10, or a person classified under regulation 5(1), or re-classified under regulation 6, as a state patient and who is receiving treatment in, at or from a state hospital-
  - (a) must receive essential health care-
    - (i) that is reasonably affordable and available, and that is required and determined by, and is appropriate for, his or her health condition;
    - (ii) regardless of his or her socio-economic status, race or ethnicity, culture, religion or belief, sex, gender, age or political affiliation;
  - (b) has no choice-
    - (i) as to which practitioner employed by that state hospital must provide treatment to him or her; or
    - (ii) as to the state hospital that he or she must be treated in, at or from;
  - (c) must-
    - (i) be treated with respect and courtesy at all times;
    - (ii) be accorded privacy and confidentiality during consultation, physical examination, counselling and treatment;
    - (iii) be provided physical, emotional and psychological safety at the state hospital;
    - (iv) be given detailed information on treatment available at the state hospital at the time;
    - (v) have access to the full range of preventative and promotive treatment available at the state hospital at the time;
    - (vi) be provided with emergency care treatment at any time as and when that treatment is available;
    - (vii) be informed that priority treatment must be given to emergency cases and other particular priority cases;
    - (viii) be examined and treated as soon as reasonably and practically possible;
    - (ix) be informed of the identity of the attending practitioner;
    - (x) be provided with clear and relevant information-
      - (aa) relating to his or her condition; and
      - (bb) the available different treatment options for his or her condition and the implications of those treatments,and be granted the opportunity to consider his or her options and to obtain a second opinion;
    - (xi) have the right to decide on, and participate in, his or her own treatment and care;
    - (xii) have the right to give informed consent to, or to refuse, treatment;
    - (xiii) be given access to his or her personal health file and the relevant medical documents, in the presence of the attending practitioner, for the clarification of his or her enquiries;
    - (xiv) be referred to the next level of care or treatment, if considered necessary by the practitioner; and

- (xv) be provided access to a patient relationship official of the state hospital to enable him or her to offer feedback and suggestions for improvement of the treatment or submit a complaint relating thereto;
- (d) must, and has the responsibility to-
  - (i) familiarise himself or herself with the Patient Charter of the Ministry;
  - (ii) respect and appreciate all the practitioners and the rights of other persons at the state hospital;
  - (iii) fully-
    - (aa) co-operate with the practitioner regarding the agreed treatment; and
    - (bb) comply with and adhere to the prescribed medicines and treatment, and regularly and punctually return to the state hospital for follow-up treatment as requested by the practitioner;
  - (iv) attend and participate in health education and health promotion activities arranged by the practitioner, and to commit towards changing his or her lifestyle in order to improve his or her personal health, family health and community health;
  - (v) maintain acceptable standards of personal hygiene;
  - (vi) respect the rules and regulations of or relating to the state hospital;
  - (vii) be honest and provide correct, true and complete information to the practitioner;
  - (viii) respect and safeguard all the property of the Ministry;
  - (ix) contribute towards the provision of treatment by punctually paying the fees for the rendering of the treatment prescribed by these regulations;
  - (x) keep his or her personal health passport safe, have it in his or her possession at all times during his or visit to a state hospital, and present it at the state hospital, together with his or her identity document, passport or drivers licence, when seeking treatment at that state hospital; and
  - (xi) sign the “refusal of treatment form” before leaving the state hospital, when he or she refuses to receive treatment at that state hospital and leaves that state hospital at his or her own risk, after having been informed of the possible consequences of his or her refusal to so receive the treatment.

- (2) In this regulation-

“personal health passport” means the personal health passport issued by the Ministry to a person when he or she is seeking treatment at a state hospital for the first time.

## **8. Fees payable by patient receiving treatment in, at or from a state hospital**

- (1) Subject to these regulations, a patient who is admitted and treated in, at or from a state hospital, or if that patient is the dependant of any other person, the person of whom he or she is a dependant, must pay for the treatment the fees prescribed in the Annexure to these regulations in respect of that treatment of that class of patient in that class of hospital, unless he or she is exempted from the payment of the fees under regulation 9.
- (2) The fees payable by a patient receiving treatment in, at or from a state hospital must be calculated, subject to an order by the head of that state hospital made under regulation 13(3), in accordance with that patient’s final classification or re-classification under regulation 5 or 6, as the case may be, as either a state patient or a private patient, and which is the valid classification of that patient on the date of his or her discharge from that state hospital.

- (3) When determining the fees payable for the treatment of an in-patient, the day of admission and the day of discharge must count as one day.
- (4) If a patient is referred to a state hospital by a private practitioner for treatment in, at or from that state hospital, or the supply of any medicine or other medical supplies on prescription, that patient must pay the applicable prescribed private out-patient fees.
- (5) Pharmaceutical and medical supplies to private out-patients prescribed by paragraph (n) of item 3 ("Tariff of fees for specific investigations or services")-
  - (a) must be limited to those included in the current Ministry of Health and Social Services of Namibia Essential Medicine List; and
  - (b) when supplied on prescription-
    - (i) not more than the quantity required by the patient for a period of one month must be supplied at any one time;
    - (ii) when the prescription is a repeat prescription, the applicable private outpatient fees must be paid, in addition to the fees prescribed by the above mentioned paragraph (n) of item 3, for every repeat.
- (6) A private out-patient may consult with a private practitioner, obtain a prescription and may be supplied, subject to subregulation (7), with pharmaceutical and medical supplies-
  - (a) by a Class C or Class D state hospital only;
  - (b) subject to subregulation (5);
  - (c) during normal working hours only; and
  - (d) against payment of the prescribed private out-patient fees, in addition to the fees prescribed by the above mentioned paragraph (n) of item 3.
- (7) When pharmaceutical and medical supplies are supplied under subregulation (6)-
  - (a) the prescription must utilise generic medicine terms only; and
  - (b) not more than five items of pharmaceutical and medical supplies may be supplied on a single prescription.
- (8) Pharmaceutical and medical supplies to private in-patients prescribed by the abovementioned paragraph (n) of item 3 must be limited to those included in the current Ministry of Health and Social Services of Namibia Essential Medicine List for the relevant Class of state hospital.

## 9. Free or subsidised treatment

- (1) Notwithstanding these regulations-
  - (a) a person may not be refused admission to a state hospital for treatment in, at or from that hospital on the grounds that he or she is not able to afford the payment of the prescribed fees for treatment;
  - (b) a person who is admitted to a state hospital because he or she suffers from malnutrition, or suffers from or has been in contact with a person who suffers from, acute flaccid paralysis, anthrax, borreliosis, brucellosis, cholera, diphtheria, haemorrhagic fever, Hepatitis A, B or C, human immunodeficiency or acquired immune deficiency syndrome, leprosy, malaria, measles, meningococcal meningitis, neonatal tetanus, pertussis, plague, polio, rabies, schistosomiasis, sexually transmitted infections, tetanus, typhoid fever, tuberculosis, worm infestations or yellow fever; or any other disease determined by the Minister in writing, must receive free treatment in that state hospital in respect of that disease or condition;

- (c) a full-time scholar or student at a school or other training or educational institution maintained by the State, who is admitted to a state hospital for emergency treatment relating to any injury he or she sustained during any activity organized by or on behalf of the school or institution, must receive free emergency treatment in the state hospital in respect of the injury;
  - (d) a person who donates her milk, his or her blood or tissue, or an organ for transplanting, and who is admitted to a state hospital for the purpose of that donation, must receive free treatment in that state hospital for that purpose, if the donation is considered desirable for therapeutic or academic reasons, or for the purpose of research, by the head of that state hospital or by any other medical practitioner authorised by the head of that state hospital for that purpose;
  - (e) a person who, by reason of the fact that he or she suffers from a particular illness or ailment and who, with his or her permission, is admitted to a state hospital under such conditions as the Minister may impose in the interest of medical research and training, must receive free treatment in that state hospital in respect of that illness or ailment;
  - (f) a person who at the direction of the Permanent Secretary is treated in, at or from a state hospital for the purpose of the prevention of the spreading of a contagious disease, must receive free treatment for that disease;
  - (g) a well-baby, ante-natal, post-natal, family planning or immunization services, or any other services offered as part of a preventative or promotive service, including human immunodeficiency virus and acquired immunodeficiency syndrome (HIV and AIDS) counselling and testing and conducted in, at or from a state hospital, must be provided free of charge, but any treatment received during that preventative or promotive service which is not routinely offered as part of that services, must be charged for in accordance with the fees prescribed in the Annexure;
  - (h) a person who is receiving a basic state pension, a blind person's pension or a disability pension under the National Pensions Act, 1992 (Act [No. 10 of 1992](#)), and who is not entitled to any of the benefits referred to in paragraph (a) or (b) of regulation 4(1), must receive free treatment;
  - (i) a child under the age of 16 years, who is kept in a children's home or a place of safety under the Children's Act, 1960 (Act [No. 33 of 1960](#)), or who has been found by a children's court under that Act to be a child in need of care, or who is, in the opinion of the Permanent Secretary, an orphan, a vulnerable child, an abandoned child or a child without visible means of support, must receive free treatment;
  - (j) a refugee as defined in section 1 of the Namibia Refugees (Recognition and Control) Act, 1999 (Act [No. 2 of 1999](#)), must receive free treatment;
  - (k) a veteran or the dependant of a veteran as defined in section 1 of the Veterans Act, 2008 (Act [No. 2 of 2008](#)) must receive free treatment;
  - (l) a person sentenced to a term of imprisonment by any court in Namibia, while serving that term of imprisonment, or any detainee awaiting trial, must receive free treatment; and
  - (m) a person referred by the police, or any similar law enforcement agency, for any medico-legal consultation or tests, must receive free treatment.
- (2) When a patient prescribed by paragraph (h), (i), (j), (k), (l) or (m) of subregulation (1) is admitted for treatment in, at or from a state hospital, that patient must furnish proof, to the satisfaction of the admitting officer, that he or she is a patient that must receive free treatment in accordance with that subregulation.
- (3) If a patient referred to in subregulation (2) fails to furnish the admitting officer with the proof prescribed by that subregulation, he or she must not receive free treatment but must be classified as a state patient or a private patient in accordance with regulation 5.

- (4) A patient referred to in subregulation (1) may not be charged any fees for admission to a state hospital.

## 10. Free treatment of state patient

- (1) The head or the person in charge of a state hospital may determine in writing, on an application by a state patient or his or her guardian in the form determined by the Minister, that that state patient must receive free treatment in, at or from that state hospital, if the head of that state hospital is of the opinion that that state patient is unable to pay the fees prescribed for that treatment.
- (2) The head of the state hospital referred to in subregulation (1) may request, before making a determination under subregulation (1), a social worker, a church official or any other person who may be conversant with the applicant's financial position, to furnish the head of that state hospital with a recommendation regarding the applicant's repeated and ongoing inability to pay the prescribed fees.

## 11. Patient classified in terms of repealed regulations

- (1) Notwithstanding these regulations, the fees payable for the treatment of an in-patient in a state hospital who at the coming into operation of these regulations is already being treated as an in-patient, must be calculated in accordance with the tariff of fees applicable to that inpatient immediately prior to the coming into operation of these regulations.
- (2) The person who is liable to pay the fees for the treatment of an in-patient referred to in subregulation (1) after the date of coming into operation of these regulations, may apply in writing to the head of the state hospital that the fees must be calculated in accordance with the tariff of fees prescribed by these regulations.
- (3) The head of the state hospital referred to in subregulation (2) may grant an application in terms of that subregulation subject to such conditions as he or she may determine.
- (4) Notwithstanding these regulations, the fees payable by an out-patient who is receiving treatment in, at or from a state hospital at the coming into operation of these regulations, must be calculated in accordance with the fees payable by out-patients prescribed by these regulations with effect from the date of that coming into operation.

## 12. Rectification of fees incorrectly calculated

- (1) If the fees payable for the treatment of a patient in, at or from a state hospital have been incorrectly calculated for the reason that-
  - (a) the information furnished in terms of these regulations is incorrect or insufficient;
  - (b) the admitting officer erred in the application or interpretation of these regulations; or
  - (c) the patient, after his or her initial classification as either a private patient or a state patient, is re-classified, under regulation 6, as either a state patient or private patient, as the case may be;
  - (d) the patient must receive free or subsidised treatment, in terms of regulation 9 or 10; or
  - (e) the head of the state hospital, when allowing an appeal under regulation 13, determined under subregulation (3) of that regulation, the fees payable by the patient,the admitting officer must make the necessary correction to the fees payable, determine the correct amount payable in terms of these regulations and inform in writing the person liable for payment of the fees of the correct amount so determined.
- (2) The person referred to in subregulation (1)-
  - (a) is liable to pay the fees corrected under that subregulation; or

- (b) is entitled to a refund of any amount paid in excess of the fees so corrected.

### 13. Appeal against fees payable

- (1) Any person liable to pay any fees in terms of these regulations and who is aggrieved by any such fees may appeal to the head of that state hospital in writing, stating in full the grounds upon which the appeal is based.
- (2) The head of the state hospital referred to in subregulation (1)-
  - (a) must duly consider all the information at his or her disposal relating to an appeal lodged with him or her in accordance with that subregulation;
  - (b) may-
    - (i) dismiss the appeal, if he or she finds that the fees referred to in that subregulation have been correctly calculated and that the payment thereof does not place an unreasonable financial burden on the applicant in view of his or her socio-economic circumstances as assessed by a social worker;
    - (ii) allow the appeal, if he or she finds that the fees referred to in that subregulation have been wrongly calculated, or that the payment thereof places an unreasonable financial burden on the applicant in view of his or her socio-economic circumstances as assessed by a social worker; and
  - (c) must inform the admitting officer and the person who lodged the appeal in terms of that subregulation of his or her decision in writing.
- (3) If the head of the state hospital allows an appeal under paragraph (b) of subregulation (2), he or she must determine the tariff according to which the fees must be re-calculated, or determine under regulation 9 or 10 that the patient must receive free or subsidised treatment, and the person liable to pay the fees in question must pay the fee so determined or the patient must be treated free of charge, as the case may be.
- (4) If the head of a state hospital dismisses an appeal under paragraph (a) of subregulation (2), or if the person referred to in subregulation (1) is not satisfied with the determination made by the head of that state hospital under subregulation (3), he or she may in writing appeal to the Permanent Secretary against the decision of the head of that state hospital, stating in full the grounds upon which the appeal is based.
- (5) The Permanent Secretary-
  - (a) may dismiss the appeal lodged with him or her in terms of subregulation (4), if he or she finds that the tariff according to which fees must be calculated as determined by the head of the state hospital under subregulation (3) is correct and that the payment thereof does not place an unreasonable financial burden on the applicant in view of his or her socio-economic circumstances as assessed by a social worker in conjunction with a church leader of the community in which the applicant is resident;
  - (b) may allow the appeal lodged with him or her in terms of subregulation (4), if he or she finds that the tariff according to which fees must be calculated as determined by the head of the state hospital under subregulation (3) is incorrect or that the payment thereof places an unreasonable financial burden on the applicant in view of his or her socio-economic circumstances as assessed by a social worker in terms of paragraph (a); and
  - (c) must inform the person who lodged the appeal in terms of subregulation (4) of his or her decision in writing.

#### 14. Receipt of body at mortuary at state hospital

- (1) The body of a person who has not died in a state hospital may be received, with the written permission of the head of that state hospital, for storage in the mortuary at that state hospital.
- (2) Any storage or post mortem of or on a body referred to in subregulation (1), or of a private in-patient, is subject to the fees prescribed in the Annexure and is payable to the state hospital by any person who applies for custody of the body in terms of section 14(5) of the Act, prior to the handing over of the body to that person.

#### 15. Burial of unclaimed body in mortuary

If the body of a person in a mortuary at a state hospital is not claimed by any person referred to in section 14(5) of the Act within the period of 14 days prescribed by that section, the head of that state hospital may direct in writing that that body be buried in a cemetery nearest to that mortuary.

#### 16. Unclaimed property of patient after discharge from state hospital

Any private property of a patient who has been admitted to a state hospital and that remains at that state hospital after that patient has been discharged therefrom and not claimed within a period of three months after the date of the discharge, becomes the property of the State and may be dealt with as the Permanent Secretary considers appropriate.

#### 17. Soiled or infected property of patient

Any soiled or infected property of a patient admitted to a state hospital, which may cause a health risk to any person, must be destroyed by that state hospital if no relative or *bona fide* friend of that patient claims the property within a period of 24 hours after the admission.

### ANNEXURE (Regulation 8)

#### TARIFF OF FEES FOR TREATMENT OF PATIENT IN, AT OR FROM STATE HOSPITAL

##### General tariff of fees for treatment:

[This portion of the Annexure should be numbered as Item 1; the Annexure continues with Item 2 below.]

##### (a) State in-patient:

For the admission and treatment of a state in-patient, excluding those mentioned in item 2(a), the following single amount is payable:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$50,00	N\$30,00	N\$20,00	N\$20,00	N\$20,00	N\$10,00	N.A.

##### (b) Private in-patient:

For the admission and treatment of a private in-patient, the following fees are payable per day or part thereof, in addition to the applicable fees prescribed by items 2 and 3:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$600,00	N\$500,00	N\$400,00	N\$400,00	N\$100,00	N\$100,00	N.A.

(c) **State out-patient:**

(i) **First visit consultation and treatment during working hours:**

The fees payable by a state out-patient for a consultation and treatment at any time during working hours: Per consultation and treatment:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$30,00	N\$15,00	N\$8,00	N\$8,00	N\$8,00	N\$4,00	N\$3,00

(ii) **Follow-up consultation and treatment during working hours:**

The fees payable by a state out-patient for a follow-up consultation and treatment at any time during working hours: Per consultation or treatment:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$15,00	N\$10,00	N\$10,00	N\$6,00	N\$4,00	N\$2,00	N\$2,00

(iii) **First visit or follow-up consultation and treatment after working hours:**

The fees payable by a state out-patient for a consultation and treatment (first visit or follow-up consultation and treatment) at any time after working hours: Per consultation and treatment:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$50,00	N\$30,00	N\$20,00	N\$20,00	N\$20,00	N\$10,00	N.A.

(d) **Private out-patient:**

(i) **Treatment during working hours:**

The fees payable by a private out-patient for a consultation and treatment at any time during working hours: Per consultation and treatment:

State hospital

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$200,00	N\$150,00	N\$100,00	N\$100,00	N\$80,00	N\$60,00	N.A.

(ii) **Treatment after working hours:**

The fees payable by a private out-patient for a consultation and treatment at any time after working hours: Per consultation and treatment:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$250,00	N\$200,00	N\$150,00	N\$150,00	N\$100,00	N\$80,00	N.A.

2. **Tariff of fees for in-patient maternity treatment:**

(a) **State patient:**

The fees payable for the admission and treatment of a state in-patient relating to maternity and delivery treatment and services:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$50,00	N\$20,00	N\$10,00	N\$10,00	N\$10,00	N\$10,00	N.A.

(b) **Private in-patient:**

The fees payable for the admission and treatment of a private in-patient relating to maternity and delivery services: The following fees are payable per day or part thereof, in addition to the applicable fees set out in items 3:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$500,00	N\$400,00	N\$300,00	N\$300,00	N\$80,00	N\$80,00	N.A.

3. **Tariff of fees for specific investigations or services (private patients):**

The applicable fee prescribed for the services and amenities specified below must be charged if any private patient uses any of those services or amenities, and is payable in addition to any other fee for which that patient may be liable in terms of item 1(b) or 1(d), as the case may be:

(a) **Use of intensive care unit, per day or part thereof:**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$1000,00	N\$900,00	N\$800,00	N.A.	N.A.	N.A.	N.A.

(b) **Use of high-care ward, per day or part thereof:**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$700,00	N\$600,00	N\$500,00	N\$350,00	N.A.	N.A.	N.A.

(c) **Accommodation by an in-patient of in a single room, without ablution facilities, or a two bedded room, at a request by or on behalf of the patient, per day or part thereof, in addition to the fees prescribed by items 1(b) and 2(b):**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$100,00	N\$90,00	N\$80,00	N\$75,00	N\$75,00	N.A.	N.A.

(d) **Accommodation by an in-patient in a single room, with bath and toilet amenities, at a request by or on behalf of the patient, per day or part thereof, in addition to the fees prescribed by items 1(b) and 2(b):**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$180,00	N\$165,00	N\$150,00	N\$120,00	N.A.	N.A.	N.A.

- (e) (i) **Basic fee for the use of a casualty or outpatient department, operating theatre or main theatre for the purpose of an operation under anaesthetic: basic flat rate:**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$500,00	N\$450,00	N\$400,00	N\$300,00	N.A.	N.A.	N.A.

- (ii) **Fee per minute for administering anaesthetic, in addition to the fees prescribed by subparagraph (i):**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$30,00	N\$25,00	N\$25,00	N\$20,00	N\$20,00	N.A.	N.A.

- (f) **Diagnostic services: flat rate per procedure (in-patients and out-patients):**

**[The bracket preceding the letter "f" is omitted in the Government Gazette but has been inserted here.]**

- (i) Audiogram;
- (ii) Lung function test;
- (iii) Electrocardiogram;
- (iv) Electrocardiogram with workload;
- (v) Bronchoscopy;
- (vi) Gastroscopy:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$200,00	N\$180,00	N\$180,00	N\$140,00	N\$140,00	N.A.	N.A.

- (vii) General ultrasound investigation:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$250,00	N\$225,00	N\$200,00	N\$150,00	N.A.	N.A.	N.A.

(viii) Cardiac ultrasound investigation:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$1000,00	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

(ix) Basic X-ray procedure:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$165,00	N\$150,00	N\$150,00	N\$120,00	N\$120,00	N.A.	N.A.

(x) Specialized X-ray procedure:

- (aa) BA Swallow;
- (bb) BA Meal;
- (cc) BA Enema;
- (dd) I.V.P/Cystogram;
- (ee) Cholecystogram;
- (ff) Hysterosalpingogram; or
- (gg) Mammography:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$450,00	N\$400,00	N\$400,00	N\$250,00	N.A.	N.A.	N.A.

(g) **Dialysis (per session):**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$1200,00	N\$1000,00	N\$1000,00	N.A.	N.A.	N.A.	N.A.

(h) **Cardiology services:**

- (i) Arteriogram: per investigation (in-patients and out-patients); or
- (ii) Heart catheterization:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$1000,00	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

(i) **Computer Tomograph (CT) imaging:**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$1500,00	N\$1250,00	N\$1000,00	N.A.	N.A.	N.A.	N.A.

(j) **Magnetic Resonance Investigation (MRI):**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$5 000,00	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

(k) **Nuclear Medicine investigation:**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$500,00	N\$500,00	N.A.	N.A.	N.A.	N.A.	N.A.

(l) **Radiation Oncology Service:**

(i) Graphic Planning:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$200,00	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

(ii) Simulation or localization:

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$200,00	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

(iii) Radiation Therapy (per day):

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$250,00	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.

(m) **Total Parenteral Nutrition (TPN) (per day) (in-patients and out-patients):**

State hospital:

(i) Adult:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$700,00	N\$700,00	N\$700,00	N\$500,00	N.A.	N.A.	N.A.

(ii) Child:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$350,00	N\$350,00	N\$350,00	N\$250,00	N.A.	N.A.	N.A.

(n) **Pharmaceutical and Medical Supplies:**

(i) **to private out-patients: per monthly supplies:**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N.A.	N.A.	N.A.	N\$60,00	N\$50,00	N.A.	N.A.

(ii) **to private in-patients: per day:**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$100,00	N\$80,00	N\$70,00	N\$60,00	N\$50,00	N.A.	N.A.

(o) **Chemotherapeutic or Cytostatic Agents (in-patients and out-patients):**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$400,00	N\$375,00	N\$350,00	N\$300,00	N.A.	N.A.	N.A.

(p) **Specialised Medical Supplies for private patients: (Including heart valves or internal prosthesis, artificial knee or hip):**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
At cost price plus an additional handling fee of ten per cent of the cost price.				N.A.	N.A.	N.A.

(q) **Orthopaedic prosthesis or orthosis for private patients:**

State hospital:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$400,00	N\$375,00	N\$350,00	N\$300,00	N.A.	N.A.	N.A.

(r) **Occupational health services:**

(i) **Occupational medical consultation of employees (private patients):**

Fees per visit for a consultation between 07h30 and 16h30 on a weekday that is not a public holiday:

(aa) Pre-employment medical examinations:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N.A.	N\$190,00	N\$190,00	N\$190,00	N.A.	N.A.	N.A.

(cc) End of employment medical examination:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N.A.	N\$230,00	N\$230,00	N\$230,00	N.A.	N.A.	N.A.

[Please note: numbering as in original.]

(ii) **Occupational medical special investigation (private patients):**

(aa) Electrocardiogram (resting):

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N.A.	N\$190,00	N\$190,00	N\$190,00	N.A.	N.A.	N.A.

(bb) Stress Electrocardiogram:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N.A.	N\$220,00	N\$220,00	N\$220,00	N.A.	N.A.	N.A.

(cc) Lung Function Test:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N.A.	N\$125,00	N\$125,00	N\$125,00	N.A.	N.A.	N.A.

(dd) Chest X-ray:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N.A.	N\$220,00	N\$220,00	N\$220,00	N.A.	N.A.	N.A.

(ee) Audiometric (Hearing) Test:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N.A.	N\$125,00	N\$125,00	N\$125,00	N.A.	N.A.	N.A.

(ff) Vision test for drivers and operators:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N.A.	N\$125,00	N\$125,00	N\$125,00	N.A.	N.A.	N.A.

(gg) Blood and urine tests, based on the nature of the employee's work and exposure to hazards, are charged separately and directly by the respective medical laboratory service provider.

**4. Occupational medical examination for self employed state patients, including people involved in the charcoal industry:**

This service includes consultation, treatment and special investigations between 07h30 and 16h30 on a week day, excluding a public holiday:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N.A.	N\$15,00	N\$8,00	N\$8,00	N.A.	N.A.	N.A.

5. **Forensic psychiatry daily observance fee for patients referred by a court, (minimum of 30 days), including electroencephalograms, blood tests and computed tomography scans**

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$150,00	N\$150,00	N\$150,00	N.A.	N.A.	N.A.	N.A.

6. **Alcohol or drug rehabilitation treatment fee for full treatment course (Fee charged according to monthly income level of the person responsible for payment)**

The matter must be referred to a social worker investigation relating to the income of the patient, who must furnish a report on his or her findings, including proof of the patient's income.

• MONTHLY INCOME	• FEE PAYABLE
• N\$ 0,00 – N\$ 499,00	• N.A.
• N\$ 500,00 – N\$ 999,00	• N\$350,00
• N\$ 1000,00 – N\$ 1999,00	• N\$450,00
• N\$ 2000,00 – N\$ 2999,00	• N\$550,00
• N\$ 3000,00 – N\$ 3999,00	• N\$650,00
• N\$ 4000,00 – N\$ 4999,00	• N\$750,00
• N\$ 5000,00 and above	• N\$1000,00

**7. Tariff of fees for conveyance of patients or bodies:**

(a) **Private patient**

Conveyance of a private patient, or the body of a deceased private patient, from or to any point Per kilometre:	N\$4,00
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(b) **State patient**

conveyance of a state patient, or the body of a deceased state patient, to or from the referring state hospital or state health facility:	free of charge
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[The word “conveyance” should be capitalised.]

**8. Tariff of fees in respect of the use of a mortuary:**

(a) **In respect of the body of a person who was a patient in a state hospital and who died in that state hospital:**

(i) Private patient:

For the storage of the body of that private patient: per day or part thereof:	N\$100,00
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(ii) State patient:

For the storage of the body of that state patient:

(aa)

first five days:	free of charge
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(bb)

from day six: per day or part thereof:	N\$10,00
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(b) **In respect of the body of a person who did not die in a state hospital:**

(i) Private patient:

(including a body delivered to the mortuary by funeral undertakers)

For the storage of the body of that private patient: per day or part thereof:	N\$150,00
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(ii) State patient:

For the storage of the body of that state patient: per day or part thereof:	N\$10,00
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(c) For a post mortem conducted in a mortuary at the request of the next of kin of the deceased:

Class A	Class B 1	Class B 2	Class C	Class D	Class E	Class F
N\$400,00	N\$350,00	N\$350,00	N\$300,00	N.A.	N.A.	N.A.

(d) Legal post mortem and cases investigated by police:

Storage of a body in a state mortuary for the purpose of a legally required post mortem or other police investigation:	free of charge
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