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Government Notice

MINISTRY OF HEALTH AND SOCIAL SERVICES

No. 43

1993

REGULATIONS PROMULGATED UNDER THE HOSPITALS ORDINANCE, 1972

The President has under section 41 of the Hospitals Ordinance, 1972 (Ordinance 14 of 1972) -

- (a) made the regulations as set out in the Schedule; and
- (b) repealed the regulations promulgated under Government Notices 215 of 1973, 43 and 81 of 1974, 57 of 1976, 181 and 199 of 1977, 144 of 1988 and 4 of 1991.

SCHEDULE

Definitions

1. In these regulations, unless the context otherwise indicates -

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

“dependant”, in regard to a person, means any person for whose maintenance that person, in the discretion of the Minister, is responsible;

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

“follow-up treatment visit” means in regard to an out-patient who has previously been admitted to a particular state hospital for treatment of an illness or ailment or has been referred to a particular state hospital by another state hospital for treatment of an illness or ailment, the admission of such out-patient to such state hospital, as the case may be, for continued treatment of the same illness or ailment for which he or she was treated during his or her first visit: Provided that any continued treatment within a period of 24 hours after such admission shall be considered to be part of such follow-up treatment visit;

“identity document” means, an identity document issued under section 3 of the Identification of Persons Act, 1979 (Act 2 of 1979), or any other proof of identity approved by the Permanent Secretary;

“Permanent Secretary” means the Permanent Secretary: Health and Social Services;

“private patient” means a person who has been classified as a private patient in terms of regulation 5;

“state patient” means a person who has been classified as a state patient in terms of regulation 5;

“the Ordinance” means the Hospitals Ordinance, 1972 (Ordinance 14 of 1972),

and any other word or expression to which a meaning has been assigned in the Ordinance, shall have a corresponding meaning.

Hospitals: Classification

2. (1) The Permanent Secretary shall classify all state hospitals into Class A, Class B, Class C, Class D, Class E and Class F state hospitals with regard to -

- (a) the nature of the accommodation, amenities, services and facilities being provided by; and
- (b) the running costs and other expenses connected with,

such state hospital.

(2) The Permanent Secretary shall in writing inform each state hospital of its classification.

(3) The Permanent Secretary may, for the purposes of classifying any state hospital in accordance with the provisions of subregulation (1) -

- (a) request such state hospital to furnish him or her with such information; and
- (b) collect any information and conduct any investigation with regard to the activities of such state hospital,

as he or she may consider necessary.

Furnishing of information.

3. (1) On admission of a patient to a state hospital, or as soon as possible thereafter, the -

- (a) full name and identity number;
- (b) age and date of birth;
- (c) citizenship;
- (d) resident status;
- (e) name and address of next of kin;
- (f) home and business address;
- (g) telephone number, (if any);
- (h) name and address of employer, (if any);
- (i) medical aid fund and number, if a private patient,

of such patient shall be furnished to the admitting officer -

- (i) by such patient;
- (ii) should the patient be a dependant of another person, by such other person; or
- (iii) should neither the patient nor the person of whom the patient is a dependant be able to do so at that moment, by any other person on behalf of the patient or of the person of whom the patient is a dependant:

Provided that the information referred to in paragraph (h) need not be furnished in respect of a patient who is a dependant of another person.

(2) On admission to a state hospital of a patient who is a dependant of another person, or as soon as possible thereafter, the person of whom the patient is a dependant shall also furnish the information referred to in subregulation (1) in regard to himself or herself to the admitting officer: Provided that should such person not be able to do so at that moment, any other person may furnish such information on behalf of the person of whom the patient is a dependant.

Furnishing of information when admission as private patient is desired; written undertaking or cash deposits or bank or other sureties or securities.

4. (1) Notwithstanding anything to the contrary in these regulations contained, a patient who desires admission and treatment in a state hospital as a private patient or, should such patient be a dependant of another person, the person of whom he or she is a dependant need not furnish the information referred to in regulation 3(1)(h) or have such information furnished on his or her behalf, if -

- (a) a written undertaking, to the satisfaction of the superintendent, that such patient or person, as the case may be, will pay for the treatment concerned in, at or from the state hospital to which such patient desires admission, at the tariff of fees applicable to private patients at the class of state hospital in question; or
- (b) a cash deposit or valid bank or other surety or security, to the satisfaction of the superintendent, for an amount adequate to cover the full fees which in the opinion of the admitting officer will be owing and payable in respect of such treatment,

is given by or furnished on behalf of the patient, or the person of whom the patient is a dependant, to the admitting officer: Provided that the superintendent of a state hospital may require from any private patient who desires admission and treatment in, at or from such state hospital as a private patient or, if such patient is the dependant of another person, the person of whom he or she is a dependant a cash deposit or bank or other surety or security, to the superintendent's satisfaction, for an amount adequate to cover the full fees and disbursements which in the opinion of the superintendent will be owing and payable in respect of such admission and treatment.

(2) If a final amount payable by a private patient is calculated to be less than a deposit made in terms of subregulation (1), the balance in question shall be re-imbursed to such private patient within a period of two calendar months.

Patients: Classification as Private or State Patients.

5. (1) A person who is a Namibian citizen or who has been lawfully admitted to Namibia for permanent residence therein, and who desires treatment in, at or from a state hospital shall in terms of subregulation (2) be classified by the admitting officer as either a state patient or a private patient.

(2) A person referred to in subregulation (1) shall prior to his or her admission to a state hospital elect to be either a state patient or a private patient and, subject to the provisions of regulation 6, may not retract such election as state patient or private patient, as the case may be, after having been so admitted to the state hospital in question.

(3) For the purposes of subregulation (1) a dependant shall have the classification as chosen by the person of whom he or she is a dependant.

(4) Subject to the provisions of regulation 6, any person who is not a Namibian citizen or who has not been lawfully admitted to Namibia for permanent residence therein and who is receiving treatment in, at or from a state hospital, shall be classified as a private patient.

(5) For the purposes of subregulation (1) and (4), in any dispute the decision of the Permanent Secretary of whether or not a patient is a Namibian citizen or has permanent residence in Namibia, shall be final.

Classification or Re-classification of Patients by Permanent Secretary.

6. (1) The Permanent Secretary may of his or her own accord classify, or on an application made under subregulation (2) reclassify, any patient as a state patient or private patient, as the case may be.

(2) Any person desiring a reclassification from a classification made under subregulation (1) or regulation 5, shall apply for such reclassification in writing to the Permanent Secretary.

State patients.

7. A state patient shall -

- (i) receive essential health care which is reasonably affordable and which shall be determined by, and be appropriate for, his or her medical condition;
- (ii) have no choice by which health professional or doctor on the full time staff of the state hospital in question he or she shall be treated; and
- (iii) have no choice whether he or she shall be treated in, at or from a state hospital.

Fees: Levy.

8. (1) Subject to the provisions of these regulations, a patient who is admitted and treated in, at or from a state hospital or, should such patient be the dependant of another person, the person of whom he or she is a dependant, shall pay for such treatment the fees prescribed in the Schedule in respect of the class of patient concerned and the treatment and hospital in question.

(2) In determining the fees to be paid for the treatment of an in-patient, the day of admission and the day of discharge shall count as one day.

Fees Payable by Employer or Workmen's Compensation Commissioner.

9. If the employer of a patient is responsible for the payment of the fees payable for the treatment of such patient in a state hospital, or if the patient is a person entitled to benefits under the provisions of Chapter III of the Workmen's Compensation Act, 1941 (Act 30 of 1941), in respect of the treatment concerned, the fees prescribed for private patients shall be applicable.

Fees: exemptions: general.

10. Notwithstanding anything to the contrary in these regulations contained -

- (a) a patient who is admitted to a state hospital because he or she suffers from, or has been in contact with a person who suffers from a notifiable disease as defined in the Public Health Act, 1919 (Act 36 of 1919), shall receive free treatment in that state hospital in respect of such disease;
- (b) a full-time scholar or student at a school or other training institution maintained by the State, who is admitted to a state hospital for emergency treatment of any injury he or she sustained during any activities organised by or on behalf of such school or institution, shall receive free emergency treatment in that state hospital in respect of such injury;
- (c) a person who donates milk or blood to, or tissue or an organ for transplanting, and who is admitted to a state hospital for that purpose, shall receive free treatment in that state hospital for that purpose: Provided that such donation is considered desirable for therapeutic or academic reasons, or for purposes of research, by the superintendent or, with his or her approval, by another medical practitioner;
- (d) 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, shall receive free treatment in that state hospital in respect of such illness or ailment;
- (e) a person who at the direction of the Permanent Secretary is treated in, at or from a state hospital for the prevention of the spreading of a contagious disease, shall receive such treatment free; and

- (f) any well baby, ante-natal, post-natal, family planning or immunization services which are part of a preventative or promotive service conducted in, at or from a state hospital, shall be provided free of charge: Provided that any treatment received during such preventative or promotive service which is not routinely offered as part of that service, shall not be free of charge.

Patients classified in terms of repealed regulations.

11. (1) Notwithstanding anything to the contrary in these regulations contained, the fees to be paid 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 such, shall be calculated according to the tariff of fees applicable to such in-patient immediately prior to such coming into operation: Provided that the person who is required to pay the fees for the treatment of such in-patient after the date of coming into operation of these regulations, may apply in writing to the superintendent that such fees be calculated in accordance with the tariff of fees prescribed by these regulations, and the superintendent may grant such application subject to such conditions as he or she may determine.

(2) The fees to be paid by an out-patient who is receiving treatment in, at or from a state hospital at the time of coming into operation of these regulations, shall be calculated according to the tariff of fees prescribed by these regulations with effect from the date of such coming into operation.

Correction of fees incorrectly calculated.

12. (1) If the fees to be paid for the treatment of a patient in, at or from a state hospital have been incorrectly calculated, because -

- (a) the information supplied or to be supplied in terms of these regulations has been incorrect or insufficient; or
- (b) the admitting officer erred in the application or interpretation of these regulations,

the admitting officer shall make the necessary correction and inform the person required to pay the fees accordingly, and thereupon such person shall -

- (i) be required to pay the fees so corrected, if such fee has not been paid or an insufficient amount has been paid; or
- (ii) be entitled to a re-imbusement of any amount paid in excess of the fee so corrected.

Appeal against fees to be paid.

13. (1) Any person required to pay any fee in terms of these regulations and who is aggrieved by any such fees may appeal to the superintendent in writing, stating in full the reasons upon which the appeal is founded.

(2) Should the superintendent find, after due consideration of all the information at his or her disposal, that the fees in question have been wrongly calculated, he or she shall indicate the tariff according to which the fees shall be re-calculated, and the person required to pay the fees in question shall pay the corrected fee.

(3) Should the superintendent dismiss an appeal referred to in subregulation (1) the person referred to in that subregulation may in writing appeal to the Permanent Secretary, and the decision of the Permanent Secretary shall be final.

Receipt of corpses to mortuaries to state hospitals.

14. (1) A corpse of a person who did not die in a state hospital may, with the permission of the superintendent of that state hospital, be received for storage in the mortuary at that state hospital.

(2) Any storage or post mortem of a corpse referred to in subregulation (1) or of a private in-patient shall be subject to the fees prescribed in the Schedule, which shall be payable to the state hospital concerned by any legally competent person claiming such corpse for burial or cremation, prior to the removal of such corpse for such burial or cremation.

Burial of corpses in mortuaries.

15. If any corpse in a mortuary at a state hospital is not claimed by any person referred to in section 41(jA) of the Ordinance within a period of fourteen days -

- (a) in a case of a person who died in that state hospital, after notification of such death; or
- (b) on the date of receipt of such corpse under the provisions of regulation 14(1),

the Minister may direct that such corpse be buried in a cemetery nearest to that mortuary.

Unclaimed property of patients after dismissal from state hospitals.

16. Any private property of a patient who has been admitted to a state hospital and which remains at that state hospital after such patient has been dismissed from that state hospital and which are not claimed within a period of three months after such dismissal, shall become property of the State and may be dealt with as the Minister considers fit.

Contaminated clothes of patients.

17. Any contaminated clothes of patients admitted to a state hospital which may be a health risk to any person shall be destroyed if it is not claimed within 24 hours after such admission.

SCHEDULE

Tariff of fees for treatment in, at or from a state hospital.

1. General tariff of fees for treatment.

(a) State in-patients:

For the admission and treatment of state in-patients the following single amount shall be payable:

State hospital:

Class A	Class B	Class C
R36,00	R24,00	R16,00
Class D	Class E	Class F
R10,00	R 7,00	R 0,00

(b) Private in-patients:

For the admission and treatment of private in-patients the following fees shall be payable per day or part thereof in addition to the fees set out in items 2 and 3:

State hospital:

Class A	Class B	Class C
R200,00	R120,00	R80,00
Class D	Class E	Class F
R50,00	R35,00	R 0,00

(c) State out-patients:

- (i) The fees per day or part thereof for a visit between 07h30 and 16h30 on a weekday and between 08h00 and 12h00 on a Saturday, except a weekday or Saturday which is a public holiday, shall be:

State hospital:

Class A	Class B	Class C
R24,00	R9,00	R6,00
Class D	Class E	Class F
R 6,00	R3,00	R0,00

(ii) The fees per follow-up visit shall be:

State hospital:

Class A	Class B	Class C
R 9,00	R7,00	R4,50

Class D	Class E	Class F
R 4,50	R1,50	R0,00

(iii) The fees per visit on a Sunday, public holiday or on a weekday or Saturday at any time other than between the hours mentioned in subparagraph (i), shall be:

State hospital:

Class A	Class B	Class C
R36,00	R14,00	R9,00

Class D	Class E	Class F
R 9,00	R4,50	R0,00

(d) Private out-patients:

For the treatment of private out-patients the following tariff of fees shall be payable per day or part thereof in addition to the tariff of fees as set out in items 2 and 3:

(i) The fees per visit between 07h30 and 16h30 on a weekday and between 08h00 and 12h00 on a Saturday, except a weekday or Saturday which is a public holiday, shall be:

State hospital:

Class A	Class B	Class C
R65,00	R40,00	R27,00

Class D	Class E	Class F
R27,00	R18,00	R0,00

(ii) The fee per visit on a Sunday, public holiday or on a weekday or Saturday at any time other than between the hours mentioned in subparagraph (i) shall be:

State hospital:

Class A	Class B	Class C
R100,00	R60,00	R40,00

Class D	Class E	Class F
R 40,00	R27,00	R0,00

Tariff of fees for specific services and amenities for treatment of private in-patients, private out-patients and patients referred to in regulation 9.

2. Fees for specific services and amenities.

The appropriate fee prescribed for the services and amenities specified below shall be charged if any private patient uses any such service or amenity and shall be payable in addition to any other fee for which such patient may be liable in terms of item 1(b) or 1(d), as the case may be:

- (a) for the use of an intensive care unit, per day or part thereof (in-patient only):

State hospital:

Class A	Class B	Class C
R300,00	R200,00	R0,00

Class D	Class E	Class F
R0,00	R0,00	R0,00

- (b) for the use of a high-care ward, per day or part thereof (in-patients only):

State hospital:

Class A	Class B	Class C
R150,00	R100,00	R50,00

Class D	Class E	Class F
R0,00	R0,00	R0,00

- (c) for accommodation in a single room, without ablution facilities, or a two-bedded room, on request by or on behalf of the patient, per day or part thereof (in-patients only):

State hospital:

Class A	Class B	Class C
R35,00	R30,00	R25,00

- (d) for accommodation in a single room with bath and toilet amenities, on request by or on behalf of the patient, per day or part thereof (in-patients only):

State hospital:

Class A	Class B	Class C
R70,00	R60,00	R50,00

Class D	Class E	Class F
R0,00	R0,00	R0,00

- (e) (i) basic fee for the use of an operating theatre for the purpose of an operation under anaesthetic (in-patients only):

State hospital:

Class A	Class B	Class C
R130,00	R110,00	R85,00

Class D	Class E	Class F
R0,00	R0,00	R0,00

- (ii) plus fee per minute:

Class A	Class B	Class C
R10,00	R8,00	R6,00

Class D	Class E	Class F
R0,00	R0,00	R0,00

- (f) for the use of a Casualty/ OPD theatre (in-patients and out-patients):

State hospital:

Class A	Class B	Class C
R130,00	R110,00	R85,00

Class D	Class E	Class F
R0,00	R0,00	R0,00

- (g) diagnostic services: flat rate per procedure (in-patients and out-patients):

- (i) Ultra sound
- (ii) Stress E.C.G. or E.E.G
- (iii) Audiogram
- (iv) Lung function test
- (v) Mammography
- (vi) Nuclear Medicine
- (vii) Screening Procedures:
 - (aa) BA Swallow
 - (bb) BA Meal
 - (cc) BA Enema
 - (dd) I.V.P. / Cystogram
 - (ee) Cholecystogram
 - (ff) Hysterosalpingogram

State hospital:

Class A	Class B	Class C
R60,00	R50,00	R40,00

(h) arteriogram: per investigation (in-patients and out-patients):

State hospital:

Class A	Class B	Class C
R600,00	R500,00	R0,00
Class D	Class E	Class F
R0,00	R0,00	R0,00

(i) laboratory investigation: cost per unit (in-patients and out-patients):

per unit R1,03

(j) total parenteral nutrition (TPN) (per day) (in-patients and out-patients):

State hospital:

(i) Adult

Class A	Class B	Class C
R220,00	R220,00	R0,00
Class D	Class E	Class F
R0,00	R0,00	R0,00

(ii) Child

Class A	Class B	Class C
R110,00	R110,00	R0,00
Class D	Class E	Class F
R0,00	R0,00	R0,00

(k) therapeutic drug monitoring service (TDM) (in-patients and out-patients):

State hospital:

Class A	Class B	Class C
R30,00	R30,00	R0,00
Class D	Class E	Class F
R0,00	R0,00	R0,00

(l) chemotherapeutic agents (in-patients and out-patients):

State hospital:

Class A	Class B	Class C
R92,00	R77,00	R61,00
Class D	Class E	Class F
R0,00	R0,00	R0,00

(m) cost recovery for blood products and prostheses is performed by private institutions and shall be paid directly to such institutions by private patients.

3. Fees for conveyance of patients.

- (a) Fees for the conveyance of a private patient or patient referred to in regulation 9 in a state ambulance:

Per kilometre R1,75

- (b) Fees for the conveyance of state patients in a state ambulance:

per journey to state hospital of initial treatment (any journey from hospital of initial treatment to any other hospital shall be free of charge: Provided that patient in question be so referred by the superintendent):

State hospital:

Class A	Class B	Class C
R35,00	R12,00	R8,00

Class D	Class E	Class F
R8,00	R4,00	R0,00

4. Tariffs in respect of mortuaries at state hospitals.

- (a) Private patient:

In respect of a corpse of a private patient who was a patient in a state hospital and who died in such state hospital:

— for storage: a single fee of R20,00.

- (b) State patient:

In respect of a corpse of a state patient who was a patient in a state hospital and who died in such state hospital:

— for storage: free of charge.

- (c) In respect of a corpse of any person who did not die in a state hospital:

— for storage: a single fee of R20,00.

— for a post mortem held in such mortuary by request of next of kin: a single fee of R50,00 in addition to any storage fee.