

DEPARTMENT OF HEALTH

NO. 635

05 JUNE 2020

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 Student Leading to Registration as a Nurse Specialist or Midwife Specialist

The Minister of Health has, 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, made the Regulations in the Schedule.

SCHEDULE**Definitions**

1. In these Regulations any expression to which a meaning has been assigned in the Act shall bear such meaning, unless it is specifically defined otherwise herein, and, the following shall bear the meaning as ascribed below unless the context indicates otherwise—

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

“**advanced standing**” means the status granted to a student for admission to studies at a higher level than the student’s prior formal studies would have allowed, including exemption where applicable;

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

“**assessor**” means a practitioner registered with the relevant authority and is a specialist in the respective field, responsible for the assessment of the student’s achievement of the learning outcomes for the programme;

“clinical accompaniment” means a structured or unstructured and planned or unplanned process by a lecturer and or a preceptor who accompanies the student to facilitate directed assistance and support at the clinical facility, to ensure the achievement of the programme outcomes;

“clinical education and training” means facilitation of experiential learning in a range of settings in which the theoretical component is correlated with practice;

“clinical facility” means a continuum of services to promote health and provide care to health care users, approved by the Council, as such, and used for education and training;

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

“clinical placement” means the period spent by a student in an approved 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 student by the Nurse Specialist or Midwife Specialist at an approved clinical facility and other experiential learning sites, with the aim of developing a competent and independent Nurse Specialist 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 Specialist or Midwife Specialist in all situations and practice settings in the field of specialization;

“credit accumulation” means the totalling of credits towards the completion of a qualification or a part-qualification;

“credit transfer” means the vertical, horizontal or diagonal relocation of credits towards a qualification or part-qualification registered on the same or different Sub-Framework;

“credit accumulation and transfer” means the arrangement whereby the diverse features of both credit accumulation and credit transfer are combined to facilitate life-long learning and access to the workplace;

“exit level outcomes” means the outcomes which define the exit level of performance according to which a candidate completing the qualification is assessed;

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

“formative assessment” means a continuous assessment conducted during the facilitation of learning and teaching to provide students with feedback on learning achieved in order to improve competence as well as to improve teaching and learning;

“general nurse” means a person educated and competent to practice general nursing in the manner and to the level prescribed, who is capable of assuming responsibility and accountability for such practice;

“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;

“learning outcomes” means a description of demonstrable and assessable end results of a learning process;

“lecturer” means an academic expert in Higher Education who is responsible for education and training of students including research and publication;

“moderation” means the process conducted by an independent moderator, which ensures that assessment of the outcomes prescribed for the programme is in accordance with the assessment principles;

“moderator” means a practitioner registered with the relevant authority and is a specialist in the respective field, responsible for moderation of assessments conducted by the Nursing Education Institutions for the programme;

“nurse specialist or midwife specialist” means a nurse practitioner who has undergone and met the theoretical and practical requirements of a specific postgraduate nursing programme and is registered as such by the Council;

“preceptor” means an experienced nurse practitioner who provides day-to-day supervision during clinical practice and facilitates the application of theory to practice for students;

“programme” means a purposeful and structured set of learning experiences that lead to a qualification;

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

“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 student, howsoever obtained, and the acceptance of such previous learning for the purpose of accessing a programme; awarding of credits and advanced standing;

“specialisation” means acquisition of in-depth knowledge and expertise in a specific field of practice;

“student” means a person enrolled for a learning programme in a Higher Education Institution and registered with the South African Nursing Council as a learner nurse or midwife;

“summative assessment” means a process to evaluate student learning, skill acquisition and academic achievement at the end of a module/programme in relation to stated outcomes and assessment criteria;

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

“work integrated learning” means a characteristic of vocational and professionally oriented qualifications that may be incorporated into programmes which takes various forms including simulated learning, work-directed theoretical

learning, problem-based learning, project-based learning and work place-based learning.

Application of these Regulations

2. These regulations shall apply in the Republic of South Africa to—
 - (a) All postgraduate diploma programmes leading to registration as a Nurse Specialist or Midwife Specialist;
 - (b) All students following such programme; and
 - (c) Nursing Education Institutions offering such programme.

Programme admission requirements

3. (1) In order to be admitted to the programme, a person must have current registration with the Council as either –
 - (a) a Professional Nurse; or
 - (b) a General Nurse with a midwifery qualification.
- (2) Registration referred to in sub-regulation (3)(1) must be maintained for the full duration of the programme, failing which, the education and training undergone in the period during which such registration was not maintained shall be rendered invalid.
- (3) A person with international 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.

Requirements for the programme

4. (1) A person and or Nursing Education Institution may not elicit nor accept any application for a programme referred to in these Regulations if such Nursing Education Institution is not accredited in terms of the relevant Regulations and the programme offered is not accredited in terms of these Regulations.
- (2) The requirements for the programme must be read and applied in conjunction with the guidelines of such a programme, which may be published as determined by the Council from time to time.

- (3) A student may enter the programme only if that student has at least two (2) years' experience post registration as a Professional Nurse or General Nurse and Midwife.
- (4) A student may be admitted to the programme through Recognition of Prior Learning in line with the relevant National Policies.
- (5) The duration of training is based on the achievement of the required credits of the programme, provided the programme duration is not less than one academic year.
- (6) The Nursing Education Institution must: -
 - (a) Ensure that a student, throughout the programme, receives integrated education and training to achieve both theoretical and clinical outcomes;
 - (b) Ensure that a student complies with all experiential requirements of the programme as determined by the Council;
 - (c) Ensure that the maximum period that a 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 or practical learning outcomes in line with the purpose and outcomes of the programme for each of the specializations; and
 - (e) Keep, at least for five years or in line with the relevant legislation, detailed records of all clinical education and training and must provide such to the Council whenever required to do so.
- (7) Clinical education and training must only be provided in clinical facilities that are approved for that Nursing Education Institution and for the programme in terms of these Regulations.
- (8) Clinical learning must take place in a range of approved clinical settings and other experiential learning sites that will facilitate the achievement of the programme outcomes.
- (9) The Nursing Education Institution is accountable for clinical learning accompaniment of students.

- (10) Clinical education and training shall include learning experience at night which may not exceed one month of an academic year.

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 as stipulated in the 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 or any subsequent amendments 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 student for the duration of the programme;
 - (c) has met the requirements of the accredited programme; or
 - (d) has complied with any other conditions as may be determined by the Council from time to time.
- (2) The person in charge of the Nursing Education Institution where the 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 evidence of recognition of prior learning where applicable;
 - (c) a declaration signed by such a person certifying that the 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 or any subsequent amendments.
- (4) In the case of a person that was not duly registered with the Council as a student in terms of sub-regulation (1)(b), education and training undergone during the period when the person was not registered as a student shall not be recognised by Council.

Exit level outcomes

6. (1) In order to comply with regulation 5(1)(c) above the Nursing Education Institution at which the student is enrolled must ensure that a student undergoing this programme in the respective specialisations has acquired the following exit level outcomes applicable to all specialisations, namely:
 - (a) Practices and facilitates specialist nursing, nursing education or health services management within ethical-legal parameters of the profession;
 - (b) Applies the knowledge of and facilitates evidence-based practice, nursing education or management in the specialist field to solve contextual problems and develop policies and guidelines;
 - (c) Appraises and develops self, peers and nurse specialist or midwife specialist students by facilitating self-directedness/leadership and lifelong learning to maintain competence;
 - (d) Facilitates advocacy for the profession and provision of specialist professional support for personnel, patients, families and communities;
 - (e) Engages in planning, commissioning and managing a specialist unit, an educational entity or health service;

- (f) Engages in scholarly activities to inform evidenced based practice, education or management; and
 - (g) Utilizes, manages and communicates data to support decision-making and research.
- (2) Exit level outcomes applicable to clinical specialisations:
- (a) Renders and co-ordinates patient/client-centred specialist nursing or midwifery practice within a continuum of care using the scientific approach, integrating biomedical and psychosocial sciences including advanced pharmacology;
 - (b) Mobilizes appropriate resources to implement standards of practice relevant to the area of specialization, to ensure quality patient care and safety;
 - (c) Collaborates within the inter-professional team by engaging in health dialogue, shared leadership, decision-making and sound clinical judgment;
 - (d) Participates in the design, development, implementation and evaluation of nursing policies, programmes and projects at provincial or national level; and
 - (e) Develops and implements institutional policies, protocols, and guidelines in the area of specialisation, utilising the process of change management in improvement of quality of care.
- (3) Exit level outcomes applicable to nursing education:-
- (a) Designs, implements and evaluates or reviews a programme or curriculum for teaching and learning of nurse specialist or midwife specialist;
 - (b) Facilitates teaching and learning of students, patients or clients, families and communities in conducive theoretical, simulation, online and clinical learning environments;
 - (c) Engages in and facilitates assessment and evaluation of learning;
 - (d) Applies the knowledge of and facilitates the management of the nursing education institution; and

- (e) Participates in and facilitates internal and external review of the Nurse Specialist or Midwife Specialist programme or curriculum at all levels.
- (4) Exit level outcomes applicable to health services management:-
 - (a) Participates in the development and implementation of the strategic and operational plans including key institutional policies;
 - (b) Manages resources for the effectiveness and efficiency of a health facility or unit;
 - (c) Engages in the organisation and coordination of the nursing and midwifery activities, functions and responsibilities to align them to the strategic goals;
 - (d) Collaboratively facilitates internal and external measurement of performance or accreditation of the health facility based on the set standards;
 - (e) Initiates innovative projects based on regular evaluation and review of the strategic plan for achievement of its goals, utilising the process of change management; and
 - (f) Establishes links with the external local, regional, national and international environments to achieve best practice and a healthy competitive position.

Assessment and moderation

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 registered with the relevant authority and is a specialist in the respective field of study;
 - (b) the students must be assessed and found competent in all relevant learning outcomes of the programme, in line with the associated assessment criteria;
 - (c) a minimum of 80% of clinical assessment activities must be conducted in real life situations, and the remaining 20% can be in simulated settings;
 - (d) there must be evidence of formative assessment throughout the period of education and training;

- (e) there must be evidence of internal and external moderation of formative and summative assessments respectively;
 - (f) records of assessment and moderation must, at least for five years or in line with the relevant legislation, 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 of subsection (1), the Council must monitor the assessment conducted by Nursing Education Institutions.

Process of Recognition of Prior Learning (RPL)

8. (1) A 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) Credits of a completed qualification may be transferred to another qualification in line with the applicable National Policies.
- (3) The process referred to in subregulation (1) must meet the National and Council Policies 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, at least for five years or in line with the relevant legislation, 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 a student is transferred from a Nursing Education Institution to another, the person in charge of the Nursing Education Institution transferring the student must—
- (a) Submit to the receiving Nursing Education Institution, on request, a specified record of all education and training that the student had undergone; and
- (b) Submit to the Council—
- (i) a record of education and training undergone by the 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 student referred to in subregulation (1) must submit to the Council an application for readmission of the 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 13 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 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 two year teach out period beyond the normal duration of the respective programme.
- (5) Notwithstanding the provisions of subregulation (1), no person may, after promulgation of these Regulations, be registered as a 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), students registered in terms of the Regulations contemplated in subregulation (1) must continue with their studies until the end of the two-year period contemplated in subregulation (4).

Penalties

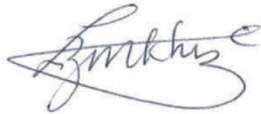
12. Any person found to be in contravention of these regulations and or preventing or attempting to prevent the implementation thereof and or the compliance thereto, shall upon being found guilty be liable to penalties as determined in the Act or if convicted, liable to a fine and or imprisonment.

Repeal

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

Short title

14. These Regulations are called Regulations Relating to the Approval of and the Minimum Requirement for the Education and Training of a Student Leading to Registration as a Nurse Specialist or Midwife Specialist, 2020.

**Dr Zwelini Lawrence Mkhize, MP****Minister of Health****Date:** 24/03/2020

SCHEDULE**(REGULATION 13)**

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