

A BILL

FOR

AN ACT TO REPEAL THE HEALTH RECORDS OFFICERS (REGISTRATION ETC) ACT, CAP. H2 LAWS OF FEDERATION OF NIGERIA, 2004, AND RE-ENACT THE HEALTH INFORMATION PRACTITIONERS COUNCIL OF NIGERIA FOR EFFECTIVE AND EFFICIENT HEALTH INFORMATION MANAGEMENT, TO REGULATE THE TRAINING, PRACTICE AND MANAGEMENT OF HEALTH INFORMATION SYSTEM IN NIGERIA; AND FOR RELATED MATTERS

Sponsored by Hon. Muhammad Usman

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 PART 1 - ESTABLISHMENT OF THE HEALTH INFORMATION
2 PRACTITIONERS COUNCIL OF NIGERIA, ETC.

3 1.-(1) There is established for health records officers a body to be
4 known as the Health Information Practitioners Council of Nigeria (in this
5 Bill referred to as "the Council").

Establishment
of the Health
Information
Practitioners
Council of
Nigeria

6 (2) The Council shall be a body Corporate with perpetual
7 succession and a common seal which shall be kept in such custody as the
8 Council may, from time to time authorise.

9 (3) The Council may sue and be sued in its corporate name and
10 may, hold, acquire and dispose of any property, movable or immovable.

11 2.-(1) The Functions of the Council shall include the following,
12 that is:

Functions of the
Council

13 (a) determining what standards of knowledge and skill shall be
14 attained by a person seeking to become a member of the profession of health
15 records management and improving those standards from time to time as
16 circumstances may permit;

17 (b) securing in accordance with the Provisions of this Bill, the

1 establishment and maintenance of a register of persons registered under this
2 Bill as members of this profession and this publication from time to time of list
3 of those persons;

4 (c) conducting examinations in health records management and
5 awarding certificates or diplomas to successful candidates as appropriate, and
6 such purpose the Council shall prescribe fees to be paid in respect thereof; and

7 (d) performing such other functions conferred on the Council by this
8 Bill.

Membership of
the Council

9 3.-(1) The Council shall comprise the following members, that is:

10 (a) a chairman;

11 (b) two health records officers to represent the health records
12 Professional Association;

13 (c) six health records officers to represent the six geo-political zones
14 in rotation of two years at a time;

15 (d) one person to represent the schools involved in training members
16 of the Profession in rotation for two years at a time;

17 (e) one health records officer to represent the schools involved in
18 training members of the Profession in rotation for two years at a time.

19 (f) one person to represent the Federal Ministry of Health;

20 (g) one person to represent public interest;

21 (h) one person to represent the University Teaching Hospitals; and

22 (i) one person to represent the National Bureau of Statistics.

23 (2) All appointments in this section shall be made by the president on
24 the recommendation of the Minister;

25 (3) The provisions of the first schedule to this Bill shall have effect
26 with respect to the matters therein mentioned (first schedule)

Fund of the
Council

27 4.-(1) The Council shall establish and maintain a fund into which shall
28 be paid:

29 (a) all fees and other moneys payable to the Council in pursuance of
30 this Act; and

1 (b) such monies as may be payable to the Council whether in the
2 course of the discharge of its functions or otherwise.

3 (2) There shall be paid out of the fund of the Council:

4 (a) all expenditure incurred by the Council in the discharge of its
5 functions under this Act;

6 (b) the remuneration and allowances of the Registrar and other
7 staff of the Council; and

8 (c) such reasonable travelling and subsistence allowances of
9 members of the Board in respect of the time spent on the business of the
10 Council as the Council may, with the approval of the Minister, determine.

11 5.-(1) It shall be the duty of the Council to prepare and submit to
12 the Minister not later than the 31st day of August of the year in which this
13 subsection comes into force (so however that the Minister may, if he
14 considers it necessary, extend the period), and of each subsequent year, an
15 estimate of its income and expenditure during the next succeeding year.

Annual Estimate,
Accounts and
Audit

16 (2) The Council shall keep proper accounts in respect of each year
17 and proper records in relation to those accounts and shall cause its accounts
18 to be audited within six months after the end of each year to which the
19 accounts relate.

20 6. The Minister may give to the Council directions of a general
21 character or relating generally to a particular matter (but not to any
22 individual person or case) with regard to the exercise by the Council of its
23 functions under this Act and it shall be the duty of the council to comply with
24 the directions.

Direction by the
Minister

25 7.-(1) The Council shall appoint a fit and proper person who is duly
26 registered to be the registrar for the purposes of this Act.

Registrar and
other employees
of the Council

27 (2) The Registrar shall, in addition to his other function under this
28 Act, be the Secretary to the council and shall on the instructions of the
29 chairman of the council or any committee of the council convene meetings
30 of the council or of any committee of the council and shall keep minutes of

1 the proceedings of all such meetings.

2 (3) The Council may appoint such other persons to be employees of
3 the council as the council may determine to assist the Registrar in the exercise
4 of his functions under this Act.

5 (4) The council may, whenever the Registrar is absent or for any other
6 reason unable to discharge the functions of his office, appoint an acting
7 Registrar to discharge those functions.

8 (5) The Registrar and other employees of the Council shall hold office
9 on such conditions as the Council may, with the approval of the Minister,
10 determine.

11 (6) authorising a registered person to have any qualification which is,
12 in relation to his profession, whether an approved qualification or an accepted
13 qualification under section 10 (2) of this Act, registered in relation to his name
14 in addition to or, as he may elect, in substitution for any other qualification so
15 registered; and

16 PART II - REGISTRATION AND RELATED MATTERS

Preparation and
maintenance of
register

17 8.-(1) It shall be the duty of the Registrar to prepare and maintain, in
18 accordance with rules made by the Council under this section, a register of the
19 names, addresses, approved qualifications and of such other particulars as may
20 be specified, of all persons, who are entitled in accordance with provisions of
21 this Act to be registered as health records officers and who apply in the
22 specified manner to be so registered.

23 (2) Subject to the following provisions of this section, the Council
24 shall make rules with respect to the form of keeping of the register and the
25 making of entries therein, and in particular:

26 (a) regulating the making of application for registration and providing
27 for the evidence to be produced in support of such application;

28 (b) providing for the notification to the Registrar by the person to
29 whom any registered particulars relate, of any change in those particulars;

30 (c) specifying the fees to be paid to the Council in respect of the entry

1 of names on the register and authorising the Registrar to refuse to enter a
2 name on the register until any fees specified for entry has been paid;

3 (e) specifying any other matters so required under the foregoing
4 provisions of this section, but rules made for the purposes of paragraph (c) of
5 this subsection shall not come into force until they are confirmed by the
6 Minister.

7 (3) It shall be the duty of the Registrar:

8 (a) to correct, with the directions of the Council, any entry in the
9 register which the Council directs him to correct as being in the opinion of
10 the Council an entry which was incorrectly made;

11 (b) to make from time to time any necessary alterations to the
12 registered particulars of registered person;

13 (c) to remove from the register the name of any registered person
14 who has died or has become insane or who has for any other reason ceased to
15 be qualified to be a member of the profession.

16 (4) If the Registrar:

17 (a) sends by post to any registered person a registered letter
18 addressed to him at his address on the register enquiring whether the
19 registered particulars relating to him are correct and receives no reply to that
20 letter within three months from the date of posting it; and

21 (b) upon the expiration of that period sends in like manner to the
22 person in question a second letter and receives no reply to that letter within
23 three months from the date of posting it, the Registrar may remove the
24 particulars relating to the person from the register; but the Board may direct
25 the Registrar to restore to the register any particulars removed there- from
26 under this subsection.

27 9.-(1) It shall be the duty of the Registrar:

28 (a) to cause the register to be printed, published and put on sale to
29 members of the public not later than two years from the beginning of the
30 year in which this Act comes into force;

Publication of
register and
lists of
corrections

1 (b) in each year after that in which a register is first published under
2 paragraph (a) of this subsection, to cause to be printed, published and put on
3 sale as aforesaid either a corrected edition of the register or a list of alterations
4 made to each register since it was last printed; and

5 (c) to cause a print of each edition of the register and of each list of
6 corrections to be deposited at the principal office of the Council; and it shall be
7 the duty of the Council to keep each register and lists so deposited open at all
8 reasonable times for inspection by members of the public.

9 (2) A document purporting to be a print of an edition of a register
10 published under this section by authority of the Registrar in the current year or
11 documents purported to be prints of an edition of a register so published in the
12 current year, shall (without prejudice to any other mode of proof) be admissible
13 in any proceedings as evidence that any person specified in the document, or
14 the documents read together as being registered, is so registered and that any
15 person not so specified is not so registered.

Registration as
health records
officer

16 10.-(1) Subject to section 27 of this Act and to rules made under
17 section 8 (2) thereof, a person shall be entitled to be registered under this Act
18 and being so registered to receive a registration certificate if:

19 (a) he has attended a course of training approved by the Council under
20 section of this Act;

21 (b) the course was conducted at an institution so approved, or partly at
22 one of such institutions and partly at another;

23 (c) he holds at least one of the qualifications prescribed in the Third
24 Schedule to this Act for the purpose of registration on the register and has
25 complied with the other requirements prescribed under section 8 (2) of this Act;

26 (d) he holds a certificate of experience issued in pursuance of section
27 22 of this Act;

28 (e) he is of good character; and

29 (f) he thereafter pays any prescribed fee.

1 *[Third Schedule.]*

2 (2) Subject to section 27 of this Act and to rules made under section
3 8 (2) of this Act, a person shall also be entitled to be registered under this Act
4 and being so registered to receive a registration certificate, if he satisfies the
5 Council:

6 (a) that he holds a qualification granted outside Nigeria for the time
7 being accepted by the Council for the purposes of this subsection as respects
8 the profession;

9 (b) that in the country in which the qualification was granted, he
10 was under no legal disability in the practice of the profession;

11 (c) he holds a certificate of experience issued in pursuance of
12 section 20 of this Act;

13 (d) that he is of good character;

14 (e) he thereafter pays any prescribed fee.

15 (f) has passed the prescribe Professional licensing examinations;

16 (3) The Council shall from time to time publish in the Federal
17 Gazette particulars of the qualifications for the time being accepted as
18 aforesaid.

19 (4) The qualifications specified in the Third Schedule to this Act
20 are those accepted for the time being by the Council as the minimum
21 qualifications for the purpose of registration on the register maintained
22 under section 7 of this Act.

23 *[Third Schedule.]*

24 (5) Subject as aforesaid, a person shall be entitled to be temporarily
25 registered under this Act in cases specified in section 10 of this Act.

26 11. Where a person satisfies the Council:

27 (a) that he has been selected for employment for a specific period in
28 a capacity in which a registered person under this Act would normally be
29 employed and that he is or intends to be in Nigeria temporarily for the
30 purpose of serving for that period in the employment in question;

Temporary
registration

1 (b) that he holds or has passed examinations necessary for obtaining
2 some qualifications granted outside Nigeria which is for the time being
3 accepted by the Council for the purpose of this Act as respects the capacity in
4 which, if employed he is to serve; and

5 (c) he pays any fees prescribed for registration, the Council may, if it
6 thinks fit, give a direction that he shall be temporarily registered.

7 (2) The temporary registration of a person shall continue only while
8 he is in such employment as is mentioned in subsection (1) (a) of this section
9 and shall cease:

10 (a) on the termination of the period of employment specified to the
11 council under that subsection; or

12 (b) on the termination of the said employment before the end of that
13 period, whichever first occurs.

14 (3) Nothing in subsection (2) of this section shall preclude the Council
15 from giving a further direction under subsection (1) of this section in respect of
16 a specific period, the commencement of which coincides with the termination
17 of another such period.

18 (4) A person who is temporarily registered shall, in relation to his
19 employment mentioned under subsection (1) (a) of this section, and to things
20 done or omitted to be done in the course of that employment, be deemed to be
21 fully registered, but in respect of other matters he shall be treated as not so
22 registered.

23 (5) In case of doubt as to whether a person's employment has been
24 terminated, the decision of the Council shall be conclusive for the purposes of
25 subsection (2) of this section.

26 (6) The Registrar, as directed, from time to time, by the Council, shall
27 remove from the register the name of any person ceasing to be entitled to the
28 benefit of this section.

29 12. A certificate required by any written law from any class of
30 persons for whom a register is maintained under this Act shall not be valid

1 unless the person signing it is registered in accordance with this Act.

2 13.-(1) Subject to the provisions of this Act, no person, not being
3 registered as a health records officer, shall be entitled to hold any
4 appointment in the civil service of the Federation or of a State or in any
5 public or private establishment, body or institution, if the holding of such
6 appointment involves the performance by him in Nigeria of any act
7 pertaining to the profession.

Appointment not
to be held by
unregistered
person

8 (2) Nothing in this section or in any other provisions of this Part of
9 this Act shall prevent person from holding any appointment referred to in
10 subsection (1) of this section while he is undergoing training for the purpose
11 of becoming qualified for registration under this Act and the training is done
12 under the supervision of persons who are registered in accordance with this
13 Act.

14 14. Any person, not being registered on any register maintained
15 under section 8 of this Act, who holds himself out to be so registered or uses
16 any name, title, description or symbol calculated to lead any person to infer
17 that he is so registered or is a member of the profession, shall be guilty of an
18 offence and liable on conviction for a first-offence to a fine of not less than
19 N1000 nor more than N2000 or to imprisonment for a term of six months or
20 to both such fine and imprisonment, and on conviction for a second or any
21 subsequent offence to imprisonment for a term of not less than one year nor
22 more than three years.

Prohibition of
falsely professing
to be a registered
person

23 15. Pursuant to S. 10 of the Act, it shall be unlawful for any person
24 to practice or offer to practice health information management in the
25 Country, or to use the title, sign, abbreviation, card or device indicating
26 authority to practice health information Management unless such person has
27 been duly licensed and registered in accordance with the statutory
28 provisions of this Act:

Titles and
Abbreviations of
Health Information
Practitioners

29 (a) Professional (Registered) Health Information Practitioner
30 Title:

1 Any person who holds a license to practice as a professional health information
2 practitioner in the Country, shall have right to use the title "registered health
3 information practitioner" and the abbreviation "RHIP"

Recovery of
fees

4 16.-(1) Subject to the provisions of this Act, a registered health
5 records officer shall be entitled to recover his fees for professional services by
6 action in any court of competent jurisdiction.

7 (2) No fees shall be recoverable by legal proceedings in respect of any
8 act pertaining to the profession of a registered person when performed by a
9 person who is prohibited from performing such act.

Securing
registration
through
fraudulent means

10 17.-(1) If any person for the purpose of procuring the registration of
11 any name, qualification or other matter:

12 (a) makes a statement which he knows to be false in a material
13 particular; or

14 (b) recklessly makes a statement which is false in a material
15 particular, he shall be guilty of an offence.

16 (2) If the Registrar or any other person employed by the Council
17 wilfully makes any falsification in any matter relating to any register
18 maintained under this Act he shall be guilty of an offence.

19 (3) A person guilty of an offence under this section shall be liable:

20 (a) on conviction in a court of inferior jurisdiction, to a fine not
21 exceeding N1,000;

22 (b) on conviction in a High Court, to a fine not exceeding N10,000 or
23 to imprisonment for a term not exceeding two years, or to both such fine and
24 imprisonment.

25 (4) Where an offence under this Part of this Act which has been
26 committed by a body corporate is proved to have been committed with the
27 connivance of or is attributable to any neglect on the part of any director,
28 manager, secretary or other similar officer of the body corporate or any person
29 purporting to act in any such capacity, he, as well as the body corporate shall be
30 deemed to be guilty of that offence and shall be liable to be proceeded against

1 and punished accordingly.

2 18. In any criminal proceedings against any person upon a charge
3 of having performed an act which constitutes an offence if performed by an
4 unregistered person, the person charged shall be deemed to be unregistered,
5 unless he proves the contrary.

Burden of proof
of registration

6 PART III - TRAINING

7 19.-(1) Subject to subsection (2) of this section, the Council may
8 approve for the purpose of section 7 of this Act:

Approval of
courses

9 (a) any course of training which is intended for persons seeking to
10 become members of the profession under this Act and which the Council
11 considers is designed to confer on persons completing the training sufficient
12 knowledge and skill for the practice of the profession;

13 (b) any institution whether in Nigeria or elsewhere which the
14 Council considers properly organised and equipped for conducting the
15 whole or any part of the course of training approved by the Council under
16 this section; and

17 (c) any qualification which, as a result of examinations taken in
18 conjunction with the course of training approved by the Council under this
19 section, is granted to candidates reaching a standard at the examination
20 indicating that they have sufficient knowledge and skill to practise the
21 profession to which the qualification relates.

22 (2) The Council shall, from time to time, publish in the Federal
23 Gazette a list of qualifications relating to the profession approved by it for
24 the purposes of subsection (1) of this section

25 (3) The Council may, if it thinks fit, withdraw any approval given
26 under this section in respect of any course, qualification or institution; but
27 before withdrawing such approval the Board shall:

28 (a) give notice that it proposes to do so to persons in Nigeria
29 appearing to the Council to be persons by whom the course is conducted or

1 the qualification is granted or the institution is controlled, as the case may be;

2 (b) afford each such person an opportunity of making representations
3 to the Council with regard to the proposal; and

4 (c) take into consideration any representations made as respects the
5 proposal in pursuance of paragraph (b) of this subsection.

6 (4) Any period during which approval of the Council under this
7 section for a course, institution or qualification is withdrawn, the course or
8 qualification shall not be treated as approved under this section; but the
9 withdrawal of such an approval shall not prejudice the registration or eligibility
10 for registration of any person who by virtue of the approval was registered
11 immediately before the approval was withdrawn.

12 (5) The giving or withdrawal of an approval under this section shall
13 have effect from such date, after the execution of the instrument signifying the
14 giving or withdrawal of the approval, as the Board may specify in that
15 instrument and the Board shall:

16 (a) cause to be published a copy of every such instrument in the
17 Federal Gazette; and

18 (b) not later than seven days before its publication as aforesaid, send a
19 copy of the instrument to the Minister.

20 20.-(1) The Council shall keep itself informed of the instruction given
21 at approved institutions to persons attending approved course of training; and
22 the examinations as a result of which approved qualifications are granted.

23 (2) For the purpose of performing the duty specified in subsection (1)
24 of this section, the Council may appoint either from among its own members or
25 otherwise, persons to visit approved institutions or attend such examinations.

26 (3) A person appointed under this section shall report to the Council
27 on:

28 (a) the sufficiency of the instruction given to persons attending
29 approved courses of training at the institution visited by him;

30 (b) the sufficiency of examinations attended by him; and

Supervision of
instruction and
examination
leading to
approved
qualification

1 (c) any other matter relating to the institution or examinations on
2 which the Council may, either generally or in a particular case, request him
3 to report but no such person shall interfere with the giving of any instruction
4 or the holding of any examination.

5 (4) On receipt of a report in pursuance of this section, the Council
6 shall as soon as may be send a copy of the report to the person appearing to
7 the Council to be in charge of the institution or responsible for the
8 examinations to which the report relates requesting that person to make
9 representations to the Council within such time as may be specified in the
10 request, not being more than one month beginning with the date of the
11 request.

12 21-(1) The Council may report to the Minister and seek his
13 approval upon all matters relating to the professional and technical training
14 and other qualifications required for admission to the profession under this
15 Act and the conditions of practice after registration.

Power of the
Council to consider
matters relating
to training

16 (2) The Minister may require the Council to advise him on any
17 matter referred to in subsection (1) of this section.

18 (3) Without prejudice to Section 21(1) the Council shall, at least
19 every five years from the date of the approval of a training programme under
20 section, review the approval training programme, including the
21 performance of graduates of the programme.

22 (4) The Council shall withdraw the accreditation of a training
23 programme, where it determines that:

24 (a) the training programme no longer meet the requirements of this
25 Act, or

26 (b) the graduates from the training institution have consistently
27 failed to pass the professional licensing examinations.

28 (5) Subject to aforesaid, the Council may invoke its statutory
29 instrument and make regulations to provide for continuing professional
30 development and training to be undertaken by health information

1 practitioners. Notwithstanding the generality of Section 21(1), the Council
2 may make regulations to provide for:

3 (a) the nature and extent of continuing professional development and
4 training to be undertaken by health information practitioners;

5 (b) the criteria for recognition by the Council of continuing
6 professional development, training programmes and institutions for the
7 purposes of this Act;

8 (c) the minimum professional and technical training to be provided by
9 a training institution to a health information practitioner who is to be registered
10 in the profession, and

11 (d) the requisite infrastructure of training institutions, appropriate
12 educational and training curricula, qualifications of the departments'
13 personnel, suitable training equipment and necessary supporting staff.

Certificate of
experience

14 22.-(1) A person who, after obtaining an approved qualification,
15 satisfies the conditions mentioned in subsection (2) of this section shall be
16 entitled to receive free of charge a certificate of experience in the prescribed
17 form from the person in charge of the institution mentioned in that subsection.

18 (2) The conditions which a person must satisfy under subsection (1)
19 of this section are:

20 (a) he shall have served his time for the prescribed period in Nigeria
21 with a view to obtaining a certificate of experience;

22 (b) he shall have acquired during his employment practical
23 experience under the personal
24 super-vision and guidance of one or more registered health records officers for
25 such periods as may be prescribed; and

26 (c) the manner in which he carried out the duties of his employment
27 and his conduct during the period of his employment shall have been
28 satisfactory.

29 (3) It shall be the duty of the employer being a registered health
30 records officer supervising the work of persons employed with a view to

1 obtaining a certificate of experience, to secure that the last mentioned person
2 is afforded proper opportunities of acquiring the practical experience
3 required for the purposes of paragraph (b) of subsection (2) of this section.

4 (4) Where, after having served his time as mentioned in paragraph
5 (a) of subsection (2) of this section, a person is refused a certificate of
6 experience he shall be entitled:

7 (a) to receive from his employer particulars in writing of the
8 grounds of the refusal; and

9 (b) to appeal from the refusal to a committee of the Council in
10 accordance with rules made by the Council in that behalf (including rules as
11 to the time within which appeals are to be brought), and on any such appeal
12 the committee shall either dismiss the appeal or itself issue the certificate of
13 experience in question or give such other directions in the matter as it
14 considers just.

15 (5) Regulations may provide for the issue of certificates of
16 experience in respect of employment and institutions outside Nigeria.

17 PART IV - PROFESSIONAL DISCIPLINE

18 23.- (1) There shall be established a body to be known as the Health
19 Information Practitioners' Disciplinary Committee (in this Act referred to as
20 "the Disciplinary Committee") which shall be charged with the duty of
21 considering and determining any case referred to it by the panel established
22 by the following provisions of this Act.

Establishment of
the Disciplinary
Committee and
Investigating
Panel

23 (2) The Disciplinary Committee shall consist of the chairman of
24 the Council and six other members of the Council elected from members
25 holding office by virtue of paragraphs (b), (c) and (d) of subsection (1) of
26 section 2 of this Act.

27 (3) There shall be a body to be known as the Health Records
28 Officers Investigating Panel (in this Act referred to as "the Investigating
29 Panel") which shall be charged with the duty of:

30 (a) conducting preliminary investigation into any case where it is

1 alleged that a registered person has misbehaved in his capacity as such or
2 should for any other reason be the subject of proceedings before the
3 Disciplinary Committee; and

4 (b) deciding whether the case should be referred to the Disciplinary
5 Committee.

6 (4) The Investigating Panel shall be appointed by the Council and
7 shall consist of five members of the Council.

8 (5) The provisions of the Second Schedule to this Act shall, so far as
9 applicable to the Disciplinary Committee and the Investigating Panel
10 respectively, have effect with respect to those bodies.

11 *[Second Schedule.]*

Establishment
of Health Records
Department or
Section Unit in
Health Care
Facilities

12 24.-(1) Pursuant to the direction as contained in section 25 of the
13 National Health Act, 2014 and for the protection of patients' health records:

14 (a) Each health facility in which provide health services shall
15 establish and maintain a Health Records Department/Unit;

16 (b) The facility shall maintain for each patient a health record;

17 (c) All information concerning a user of the facility - his health status,
18 treatment or stay in the health establishment shall be treated as confidential.

19 (2) There shall be available appropriately qualified and licensed
20 health information practitioner(s) at the facility to facilitate accurate
21 processing, checking, indexing, filing, and prompt retrieval of records and
22 record data,

23 (3) It shall be the health information practitioners' duty to set up
24 control measures by providing adequate storage facility in which records are
25 kept to prevent:

26 (i) Unauthorised persons from gaining access to a record or record-
27 keeping system, including intercepting information being transmitted from
28 one person, or one part of a record -keeping system, to another;

29 (ii) Falsification of any record by either adding to or deleting or
30 changing any information contained therein;

1 (iii) Creating, changing or destroying a record without authority to
2 do so;

3 (iv) Copying of a patient's record without authority;

4 (v) Unauthorised person from modifying or impairing the
5 operation of the health information system without authority, and

6 (vi) Retrieval or records from any part of the programme used to
7 record, store, retrieve or display patient's health information on a computer
8 or other electronic system on which patients records are kept,

9 (4) Right to Visit and Inspect Health facility:

10 Subject to aforesaid, the Health Information Practitioners Council or its
11 officials shall visit and inspect a health facility's health information
12 department at any time without prior notice in order to determine the
13 facility's compliance with the provision of this law.

14 (5) Deficiency Statements:

15 After every inspection in which any violation of this law is observed and
16 reported on, the Registrar shall prepare a deficiency statement citing every
17 violation observed, a copy of which shall be sent to the health facility:

18 (a) The Registrar shall appoint inspectors to ensure the health
19 facility's compliance with this Act:

20 ((b) Notwithstanding the provision of Section 24 (4 and 6) (a) an
21 inspector shall not inspect a medical record of a patient.

22 (6) A person who:

23 (a) delays or obstructs an inspectors in the performance of the
24 inspector's function;

25 (b) refuses to give an inspector such reasonable assistance as the
26 inspector may require for the purpose of exercising the inspector's powers; or

27 (c) give an inspector false or misleading information in answer to
28 an inquiry made by the inspector;

29 (d) commit an offence and is liable, upon conviction, to a
30 maximum fine, or term of imprisonment as prescribed by law.

Proceedings of
the Disciplinary
Committee

1 25.-(1) The chairman shall preside at every meeting of the
2 Disciplinary Committee.

3 (2) At any meeting of the Disciplinary Committee three members
4 shall form a quorum.

5 (3) Any question proposed for decision by the Disciplinary
6 Committee shall be determined by the majority of the members present and
7 voting at a meeting of the Disciplinary Committee at which a quorum is
8 formed.

9 (4) At all meetings of the Disciplinary Committee each member shall
10 have one vote and, in the event of an equality of votes, the chairman shall have,
11 in addition to a deliberative vote, a casting vote.

Penalties for
unprofessional
conduct

12 26.-(1) Where:

13 (a) a person registered under this Act is convicted by any court or
14 tribunal in Nigeria or elsewhere having power to award punishment for an
15 offence (whether or not an offence punishable with imprisonment) which in the
16 opinion of the Disciplinary Committee is incompatible with the status of such
17 professional;

18 (b) a registered person is adjudged by the Disciplinary Committee to
19 be guilty of infamous conduct in a professional respect; or

20 (c) the Disciplinary Committee is satisfied that the name of
21 any person has been fraudulently registered, the Disciplinary Committee may
22 give a direction under subsection (2) of this section.

23 (2) Where any of the conditions stipulated in subsection (1) of this
24 section occurs, the Disciplinary Committee may give a direction under this
25 subsection:

26 (a) ordering the Registrar to strike the person's name off the relevant
27 part of the register;

28 (b) suspending that person from practice for such period as may be
29 specified in the direction;

30 (c) reprimanding the person;

1 (d) ordering the person to pay to the council any costs of and
2 incidental to the proceedings incurred by the Council; or

3 (e) cautioning him and binding him over for a period not exceeding
4 one year on one or more conditions as to his conduct during that period, and
5 any such direction may, where appropriate, include provision requiring the
6 refund of moneys paid or the handing over of documents or any other thing
7 as the case may require.

8 (3) In any inquiry under this section, any finding of fact which is
9 shown to have been made in:

10 (a) any criminal proceedings in a court in Nigeria;

11 (b) any civil proceedings in a court in Nigeria, shall be conclusive
12 evidence of the fact found.

13 (4) If after due inquiry the Disciplinary Committee is satisfied that
14 during the period of binding over under paragraph (e) of subsection (2) of
15 this section a person has not complied with the conditions imposed there
16 under, the Disciplinary Committee may, if it thinks fit, impose anyone or
17 more of the penalties mentioned in paragraphs (a), (b), (c) and (d) of that
18 subsection.

19 (5) A certificate under the hand of the chairman that any costs have
20 been ordered to be paid by a person under this section shall be conclusive
21 evidence thereof.

22 27.-(1) Where the name of a person has been struck off from the
23 register in pursuance of a direction given under section 23 of this Act, the
24 Disciplinary Committee may, if it thinks fit, at any time direct the restoration
25 of the person's name to the register.

Restoration of
registration

26 (2) An application for the restoration of a name to a register under
27 this section shall not be made to the Disciplinary Committee before the
28 expiration of such period from the date of the striking off (and where he has
29 duly made such application, from the date of his last application) as may be
30 specified in the direction.

1 (3) There shall be payable to the Council by any person on the
2 restoration of his name to a register in pursuance of a direction given under this
3 section the like fees as would be payable by that person on first becoming
4 registered in that register.

Striking of entries
from the register
on the grounds
of fraud or error

5 28.-(1) If it is proved to the satisfaction of the Disciplinary Committee
6 that any entry made in a register has been fraudulently or incorrectly made, the
7 Disciplinary Committee may direct that the entry shall be struck off from the
8 register.

9 (2) A person may be registered in pursuance of any provisions of this
10 Act notwithstanding that his name has been struck off in pursuance of a
11 direction given under sub-section (1) of this section, but if his name was struck
12 off on grounds of fraud he shall not be registered except an application in that
13 behalf is made to the Disciplinary Committee; and on any such application the
14 Disciplinary Committee may, if it thinks fit, direct that he shall not be
15 registered or shall not be registered until the expiration of such period as may
16 be specified in the direction.

17 (3) Any reference in this Act to the striking off from or the restoration
18 to a register of the name of a person shall be construed as including a reference
19 to the striking off from or the restoration to the register of any other registrable
20 particulars relating to that person.

Appeal to the
Federal High
Court

21 29.-(1) Where the Disciplinary Committee:

22 (a) makes a finding and imposes a penalty on a registered person
23 under section 23 of this Act;

24 (b) rejects an application for restoration of a name to the register
25 under section 24 of this Act; or

26 (c) directs the striking off of an entry from a register under section 25

27 (1) of this Act, the Registrar shall give the person to whom the proceedings

28 relate, notice in writing thereof and such person may, within twenty-eight days

29 from the date of service on him of the notice, appeal to the Federal High Court.

1 (2) On any appeal under this section the Board shall be the
2 respondent.

3 (3) No direction for the striking off of the name of a registered
4 person from a register under sections 23 and 25 of this Act shall take effect
5 until the expiration of the time for appealing or if an appeal is brought, until
6 such time as the appeal is disposed of, withdrawn or struck out for want of
7 prosecution, as the case may be.

8 (4) The Federal High Court may, on an appeal under this section:

9 (a) confirm, vary or set aside any finding of fact, penalty imposed
10 or direction given by the Disciplinary Committee;

11 (b) confirm the rejection of the Disciplinary Committee of the
12 application for restoration or direct the restoration of the name to the
13 register;

14 (c) remit the matter to the Disciplinary Committee for further
15 consideration;

16 (d) make such other order as to costs or otherwise, as may, to it,
17 seem just, but no proceedings before the Disciplinary Committee shall be set
18 aside by reason only of informality in those proceedings which did not
19 embarrass or prejudice the appellant.

20 PART V - MISCELLANEOUS

21 30. Any power to make regulations, rules or orders conferred by Regulations
22 this Act shall include:

23 (a) power to make provisions for such incidental and
24 supplementary matters as the authority making the instrument considers
25 expedient for the purposes of the instrument; and

26 (b) power to make different provisions for different circumstances.

27 31.-(1) The Health Records Officers (Registration, etc) Act, Cap Repeal and
28 H2, LFN, 200 is repealed. Savings

29 (2) As from the commencement of this Act, all assets, funds
30 resources and other moveable property which immediately before the

1 commencement of this Act is vested in the Board, is hereby vested in the Health
2 Information Practitioners Council of Nigeria.

3 (3) as from the commencement of this Act:

4 (a) the rights, interest, obligations and liabilities of the former Board
5 existing immediately the commencement of this Act under any contract or
6 instrument or at law or in equity shall by virtue of this Act be assigned to and
7 vested in the Council.

8 (b) the Council shall be subjected to all the obligations and liabilities
9 to which the former Board was subjected immediately before the
10 commencement of this Act, and all other persons shall from the
11 commencement of this Act have the same right, powers and remedies against
12 the new Council as they had against the former Board immediately before the
13 commencement of this Act

Interpretation

14 32. In this Act, unless the context otherwise requires:

15 "Accepted qualification" means a degree, diploma or other certificate
16 prescribed under section 9 of this Act;

17 "Council" means the Health Information Practitioners Registration Council of
18 Nigeria established under section 1 of this Act; meaning "health facility and

19 "Health Information Practitioners:

20 "Health records" means a specialised branch of health management which
21 embraces all technical and clerical procedures associated with management of
22 patients from primary health care to tertiary levels of care;

23 "Health records management" includes logistics of admission and discharges
24 routines, reception and registration, efficient appointment system, coding and
25 classification of morbidity and mortality dates, maintenance of waiting lists,
26 preservation of health medical records and provision of medical secretariat
27 services;

28 "Minister" means the Minister charged with responsibility for matters relating
29 to health;

30 "Profession" means the health records management profession;

1 "Register" means a register maintained under this Act and "registered" shall
2 be construed accordingly;

3 "Registrar" means the Registrar appointed under section 6 of this Act;

4 "Registration certificate" means a registration certificate issued under
5 section 9 of this Act; and

6 "Student" means a person receiving basic training in an approved training
7 school for the purpose of the profession covered by this Act.

8 33. This Bill may be cited as the Health Records Officers Short title
9 (Registration, etc.) Act (Repeal and Re-enacted) Bill, 2017.

10 FIRST SCHEDULE

11 *[Section 3 (3).]*

12 SUPPLEMENTARY PROVISIONS RELATING TO THE BOARD

13 *Qualification and tenure of office of members*

14 1. (1) A person other than a person appointed under section 3 (1)
15 (a), (d), (f), (g), and (h) of this Act shall not be a member of the council unless
16 he is a citizen of Nigeria and is fully registered as provided under this Act
17 and in the case of the first members of the Council, such a person shall be
18 eligible for registration as a health records officer.

19 (2) Where a member of the Council ceases to hold office before the
20 date when his term of office would have expired by the effluxion of time, the
21 body or person by whom he was appointed or elected shall as soon as may be
22 appoint or, as the case may be, elect a person to fill the vacancy for the residue
23 of the term aforesaid, so however that the foregoing provisions of this sub-
24 paragraph shall not apply where a person holding office as a member of the
25 Council ceases to hold office at the time when the residue of his term does
26 not exceed one year.

27 (3) Subject to the provisions of this paragraph, a member of the
28 Council other than a public officer, shall hold office for a period of three
29 years from the date of his appointment and shall be eligible for
30 reappointment for a further period of three years; thereafter he shall no

1 longer be eligible for reappointment.

2 (4) A member of the Council, other than a public officer, may resign
3 his appointment by a letter addressed to the Minister and the resignation shall
4 take effect from the date of the receipt of the letter by the Minister.

5 (5) The Minister may appoint any person who is registered to be a
6 temporary member of the Council during a long absence or the temporary
7 incapacity by illness of any member; and that person may, while the
8 appointment subsists, exercise the function of a member under this Act.

9 (6) The provisions of this paragraph shall have effect notwithstanding
10 the provisions of section 11 of the Interpretation Act, which relates to
11 appointment.

12 *Power of the Council*

13 2.-(1) Subject to sub-paragraph (2) of this paragraph and to any
14 directions of the Minister under this Act, the Council shall have powers to do
15 anything which in its opinion is calculated to facilitate the carrying on of its
16 activities under this Act.

17 (2) The Council shall not have power to borrow money or to dispose
18 of any property except with the prior consent of the Minister and shall not have
19 power to pay remuneration (including pensions), allowances or expenses to
20 any employee of the Council or any other person except in accordance with
21 scales approved by the Minister.

22 *Proceedings of the Council*

23 3.-(1) Subject to the provisions of this Act and of section 27 of the
24 Interpretation Act (which provides for decisions of a body to be taken by a
25 majority of the members of the body and for the chairman to have a second or
26 casting vote), the Council may make standing orders regulating the
27 proceedings of the Council or of any committee thereof or elect a temporary
28 vice-chairman in the absence of the chairman for the conduct of the affairs of
29 the Council.

30 (2) The quorum of the Council shall be seven and the quorum of any

1 committee of the Council shall be determined by the Council.

2 (3) At any time while the office of the chairman is vacant or the
3 chairman is in the opinion of the Council temporarily or permanently unable
4 to perform the functions of his office, the vice-chairman shall perform those
5 functions and references in this Schedule to the chair- man shall be
6 construed accordingly.

7 (4) Subject to the provisions of any applicable standing orders, the
8 Council shall meet whenever summoned by the chairman; and if the
9 chairman is required so to do by notice given to him by not less than six other
10 members, he shall summon a meeting of the Council to be held within
11 twenty-one days from the date on which the notice is given.

12 (5) At any meeting of the Council, the chairman or, in his absence,
13 the vice-chairman shall preside but if both are absent the members present at
14 the meeting shall appoint one of their numbers to preside at that meeting.

15 (6) Where the Council wishes to obtain the advice of any person on
16 a particular matter, the Council may co-opt him as a member for such period
17 as it thinks fit, but a person who is a member by virtue of this sub-paragraph
18 shall not be entitled to vote at any meeting of the Council and shall not count
19 towards a quorum.

20 (7) Notwithstanding anything to the contrary, the first meeting of
21 the Council shall be summoned by the Minister who may give such
22 directions as to the procedure to be followed at that meeting, as he may deem
23 fit.

24 *Committees*

25 4.-(1) The Council may appoint one or more committees to carry
26 out on behalf of the Council, such of its functions as the Council may
27 determine.

28 (2) A committee appointed under this paragraph shall consist of the
29 number of persons determined by the Board and not more than one third of
30 those persons may be persons who are not members of the Council; and a

1 person other than a member of the Council shall hold office on the committee in
2 accordance with the terms of the instrument by which he is appointed.

3 (3) A decision of a committee of the Council shall be of no effect until
4 it is confirmed by the Council.

5 (4) A person other than a member of the Council shall hold office on a
6 committee in accordance with the terms of the instrument by which he is
7 appointed.

8 *Miscellaneous*

9 5.-(1) the fixing of the seal of the Council shall be authenticated by the
10 signature of the chairman or of some other member authorised generally or
11 specially by the Council to act for that purpose.

12 (2) Any contract or instrument which if made or executed by a person
13 not being a body corporate, would not be required to be under seal may be made
14 or executed by a person generally or specially authorised by the Council to act
15 for that purpose.

16 SECOND SCHEDULE

17 [Section 23 (5).]

18 SUPPLEMENTARY PROVISIONS RELATING TO THE DISCIPLINARY

19 COMMITTEE AND THE INVESTIGATING PANEL

20 *The Disciplinary Committee*

21 1.-(1) The Attorney-General of the Federation shall make rules as to
22 the procedure to be followed and the rules of evidence to be observed in
23 proceedings before the Disciplinary Committee.

24 2. The rules shall in particular provide:

25 (a) for securing that notice of proceedings shall be given at such time,
26 and in such manner as may be specified by the rules, to the person who is the
27 subject of the proceedings;

28 (b) for determining who, in addition to the person aforesaid, shall be a
29 party to the proceedings;

30 (c) for securing that any party to the proceedings shall, if he so

1 requires, be entitled to be heard by the Disciplinary Committee;

2 (d) for enabling any party to the proceedings to be represented by a
3 legal practitioner;

4 (e) subject to the provisions of section 26 (2) (d) of this Act, for the
5 cost of proceedings before the Disciplinary Committee;

6 (f) for requiring, in a case where it is alleged that the person who is
7 the subject of the proceedings is guilty of infamous conduct in any
8 professional respect that where the Disciplinary Committee adjudges that
9 the allegation has not been proved, it shall record a finding that the person is
10 not guilty of such conduct, in respect of the matter which the allegation
11 relates; and

12 (g) for publishing in the Federal Gazette of notice of any direction
13 of the Disciplinary Committee which has taken effect providing that a
14 person's name shall be struck off a register.

15 3.-(1) For the purpose of advising the Disciplinary Committee on
16 questions of law arising in proceedings before it, there shall in all such
17 proceedings be an assessor to the Disciplinary Committee who shall be
18 appointed by the Council on the recommendation of the Attorney-General
19 of the Federation and shall be a legal practitioner of not less than seven years
20 standing.

21 (2) The Attorney-General of the Federation shall make rules as to
22 the functions of assessors appointed under this paragraph, and in particular
23 such rules shall contain provisions for securing:

24 (a) that where an assessor advises the Disciplinary Committee on
25 any question of law as to evidence, procedure or any other matter specified
26 by the rules, he shall do so in the presence of every party or person
27 representing a party to the proceedings who appears thereat, or, if the advice
28 is tendered while the Disciplinary Committee is deliberating in private, that
29 every such party or person as aforesaid shall be informed as to what advice
30 the assessor has tendered;

1 (b) that every party or person as aforesaid shall be informed if in any
2 case the Disciplinary Committee does not accept the advice of the assessor on
3 such a question as aforesaid.

4 (3) An assessor may be appointed under this paragraph either
5 generally or for any particular proceedings or class of proceedings, and shall
6 hold and vacate office' in accordance with the terms of the instrument by which
7 he is appointed.

8 *The Investigating Panel*

9 4. The quorum of the Investigating Panel shall be three.

10 5.-(1) The Investigating Panel may, at any of its meeting attended by
11 not less than four of its members, make standing orders with respect to the
12 proceedings of the Investigating Panel.

13 (2) Subject to the provision of any such standing orders, the
14 Investigating Panel may regulate its own procedure.

15 *Miscellaneous*

16 6.-(1) A person ceasing to be a member of the Disciplinary Committee
17 or the Investigating Panel shall be eligible for re-appointment as a member of
18 that body.

19 (2) A person may, if otherwise eligible, be a member of both the
20 Disciplinary Committee and the Investigating Panel; but no person who has
21 acted as a member of an Investigating Panel with respect to any case shall act as
22 a member of the Disciplinary Committee with respect to that case.

23 7. The Disciplinary Committee or the Investigating Panel may act
24 notwithstanding any vacancy in its membership and the proceedings of either
25 body shall not be invalidated by any irregularity in the appointment of a
26 member of that body or subject to sub-paragraph (2) of paragraph 5 of this
27 Schedule, by reason of the fact that any person who was not entitled to do so
28 took part in the proceedings of that body.

29 8. The Disciplinary Committee and the Investigating Panel may each
30 sit in two or more places.

1 9. Any document authorised or required by virtue of this Act to be
2 served on the Disciplinary Committee or the Investigating Panel shall be
3 served on the Registrar.

4 10. Any expense of the Disciplinary Committee or the
5 Investigating Panel shall be defrayed by the Council.

6 THIRD SCHEDULE

7 [Sections 10 (1) (c) and 10(4).]

8 Accepted minimum qualification for the purpose of registration on the
9 register established under this Act

10 **Profession** **Accepted qualification for registration**
11 **Health Records Management**

- 12 1. Diploma of the Health Information
13 Practitioners Council Registration
14 Council of Nigeria.
15 2. Any equivalent qualification.
16 3. Degree, Higher National Diploma or
17 Diploma in Health Studies plus
18 Diploma in Medical Records.
19 4. United Kingdom Certificate in
20 Medical Records plus Diploma in
21 Health Statistics.

 EXPLANATORY MEMORANDUM

 This Bill seeks to repeal the Health Records Officers (Registration etc) Act,
 Cap. H2 Laws of Federation of Nigeria, 2004, and Re-enact the Health
 Information Practitioners council of Nigeria for effective and efficient
 health information management, to regulate the training, practice and
 management of health information system in Nigeria.

