

A BILL**FOR**

AN ACT TO AMEND THE NATIONAL HEALTH BILL 2014 TO INCLUDE FREE
AND COMPULSORY PERIODIC MEDICAL TESTS FOR PREVALENT AND
CHRONIC AILMENTS OR CONDITIONS ON ALL PERSONS LIVING IN NIGERIA
AND FOR RELATED MATTERS, 2016

Sponsored by Hon. Dickson D. Tarkighir

[] Commencement

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

1 1. The National Health Bill 2014 (herein after referred to as the
2 "Principal Act") is hereby amended to set out in this Bill.

3 2. The Principal Act is amended by inserting a new part V before
4 the subsisting part V and to reorder the parts accordingly to read as follows:

Amendment of
the Principal Act

5 PART V - ESTABLISHMENT OF THE SCHEME FOR FREE AND COMPULSORY
6 MEDICAL TESTS FOR PREVALENT AND CHRONIC AILMENTS OR
7 CONDITIONS ON ALL PERSONS LIVING IN NIGERIA

8 (1) The Federal Ministry of Health is authorised to establish and
9 manage the scheme for free and compulsory medical tests for pre-valent and
10 chronic ailments or conditions on all persons living in Nigeria.

11 (2) POWERS AND FEATURES OF THE SCHEME

12 (a) All persons living in Nigeria shall have to undertake periodic
13 free and compulsory medical tests for prevalent and chronic ailments or
14 conditions;

15 (b) The Scheme shall adopt and periodically review and if need be,
16 revise what the prevalent and chronic ailments are for free medical and
17 compulsory testing;

18 (c) All persons coming into the country and whose stay is for a
19 period of more than 60 days shall be tested for prevalent and chronic

1 ailments as adopted or revised by the ministry of health;

2 (d) The Scheme shall ensure that all persons are counselled before and
3 after such tests;

4 (e) All Government owned hospitals and clinics including accredited
5 test centres shall carry out free and compulsory medical tests;

6 (f) A test under this scheme shall be deemed completed only after the
7 tested person has received all the results of the tests;

8 (g) The Scheme shall create and manage a portal of all persons tested
9 in every period but shall not publish the results of any of those tests;

10 (h) Where other conditions or signs or symptoms or risks of other
11 ailments not captured by this scheme are noticed during the tests for the
12 ailments and conditions under this scheme, the person(s) in whom these
13 conditions or signs or symptoms or risks are noted shall be informed and
14 advised to seek further tests with relevant experts. In this case, fees as
15 appropriate shall be charged for those further tests.

16 (3) CLASSIFICATION OF CHRONIC AND PREVALENT
17 AILMENTS/CONDITIONS

18 (a) For the purpose of this bill, "prevalent and chronic
19 ailments/conditions" are:

20 (i) HIV and AIDS;

21 (ii) Any other ailments or conditions for which in the consideration of
22 the minister/ministry of health, is/are chronic, prevalent and very expensive
23 and or very difficult to manage when not diagnosed early;

24 (iii) Any epidemic or outbreak that has the characteristics of (ii) above
25 but is age, gender or region/location related and for which case the tests shall be
26 compulsory for only a select group or region.

27 (4) OBJECTIVES OF THE SCHEME

28 (a) To provide relevant health data towards aiding effective policy
29 direction and budget priorities in the health sector;

30 (b) To ensure awareness by individuals of their health status;

1 (c) To ensure early detection of ailments or risks of ailments by
2 individuals;

3 (d) To enhance early treatment and or management of ailments or
4 conditions;

5 (e) To reduce the cost or mortality rates that arises from late
6 diagnosis of chronic and terminal ailments or conditions;

7 (f) To build and instill a health awareness culture among persons
8 living in Nigeria.

9 (5) OPERATIONAL GUIDELINES FOR FREE AND COMPULSORY
10 PERIODIC MEDICAL TESTS FOR PREVALENT AND CHRONIC AILMENTS OR
11 CONDITIONS SCHEME

12 (a) The Federal Ministry of Health shall manage a portal of all such
13 tests under this scheme And shall update test status of individuals in real
14 time;

15 (b) Tests shall be administered and recorded on the portal only after
16 results for such tests have been received by the tested person and counsel
17 given;

18 (c) Where counsel is refused by the tested person, their status shall
19 be updated as "test completed" in so far as the results of the tests are treated
20 confidentially and given/sent to them;

21 (d) Where Government establishments or schools already have
22 existing clinics or sick bays, The Federal Ministry of Health may equip and
23 staff or train existing staff on conducting The required tests;

24 (e) There shall be test auditors who shall go through records of
25 administered tests and once satisfied, shall update the portal using their
26 unique login credentials and shall be responsible for the authenticity of the
27 entries and updates made;

28 (f) The admin privileges for access and activity on the portal shall
29 be assigned proportionate to the existing levels of authority without
30 compromising control, reporting lines and the need for supervision from the

1 hierarchy of command;

2 (g) The Federal Ministry of Health shall devise means to as much as
3 possible provide opportunity for testing by all persons living in Nigeria;

4 (h) A personal identification number shall be computer generated
5 upon first biometric registration for free compulsory medical testing and this
6 number shall be required for the confirmation of test status of individuals by :
7 organisations in the course of screening for employment or promotion; schools
8 for the purpose of admission; immigration and embassy offices for the purpose
9 of travel documents; banks for the purpose of opening or updating bank
10 accounts; insurance companies for the purpose of obtaining an insurance
11 package; and for any other purposes for which positive action shall depend on
12 the test status being confirmed as "test completed".

13 (6) CREATION OF TEST AUDIT UNITS

14 (a) There shall be established a Test Audit Unit which shall comprise
15 of the following staff Appointed/transferred/promoted to these positions by the
16 ministry of health:

17 (i) At least 3 ward Auditors in each of the Local Government Wards of
18 the Federation;

19 (ii) One Local Government Auditor and two Assistant Auditors;

20 (iii) One State Government Auditor for each State of the Federation;

21 (iv) One National Auditor and 6 Assistant National Auditors.

22 (b) FUNCTIONS OF TEST AUDITORS:

23 (i) To update the portal with the test status of individuals whose tests
24 are done in their ward/Local Government/State;

25 (ii) To vet test reports to ensure that they were professionally
26 administered;

27 (iii) To work to enhance credible and easily available free testing
28 under their jurisdiction;

29 (iv) To analyse test reports;

1 (v) To forward names of test defaulters to the ministry of justice for
2 prosecution.

3 7. DEFAULTS AND PENALTIES UNDER THE SCHEME

4 (i) A person who fails to test for the ailments or conditions that are
5 periodically required under this Act commits an offence punishable by a fine
6 or imprisonment or community work of not less than 5 hours daily for at
7 least 60 days;

8 (ii) A person shall be deemed as having failed to test if at more than
9 six months into the current period of testing they have not tested for the
10 ailments and conditions under this Act or as revised. Except where such a
11 person has been out of Nigeria for a duration longer than 3 months in the first
12 six months of the current period for testing;

13 (iii) As far as a person who may have defaulted in their test has not
14 being charged to court, he/she shall not be deemed as having failed to test if
15 they turn up for testing at anytime;

16 (iv) Parents and Guardians shall be liable for the testing of infants
17 and minors living under their care;

18 (v) Where tests for certain conditions/ailments/risks are no longer
19 medically necessary, the State Auditor shall exempt such persons from
20 further testing for such conditions, ailments, risks but ensure that such
21 exemption is handled in a manner as to not compromise the confidentiality
22 of the test results;

23 (vi) This Act requires all institutions operating in Nigeria to require
24 their staff, applicants, students etc to show proof of an updated free and
25 compulsory medical tests. This shall only include the fact that such tests
26 have been carried out and not necessarily the results of such tests; except
27 where otherwise stated.

28 Institutions may apply to any office of the Auditors to seek and shall be given
29 the test status of their employees, applicants or Staff having supplied the
30 Personal Identification number(s) of such staff, employee(s), applicant(s).

- 1 Test Status shall only show whether or not testing has been done.
2 8. This Bill may be cited as the National Health Bill, 2014
3 (Amendment) Bill, 2016.

EXPLANATORY MEMORANDUM

This bill seeks to amend the National Health Bill 2014 to ensure that there is early detection of prevalent health risks, conditions and ailments so as to make prevention, management and treatment easier to deal with in order to create a nation where everyone is aware of their health status as it relates to the risks, conditions and ailments under this bill and hence live healthier lives.