

# 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. Muhammed Umar Jega*

[ ] 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:

Temporary  
registration

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;

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

Certificate invalid  
if given by  
unregistered  
person



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 indication  
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 Burden of proof  
3 of having performed an act which constitutes an offence if performed by an of registration  
4 unregistered person, the person charged shall be deemed to be unregistered,  
5 unless he proves the contrary.

6 PART III - TRAINING

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

Supervision of  
instruction and  
examination  
leading to  
approved  
qualification

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

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 elating 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 per

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 s

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 registerable  
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 of

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, 2019.

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.

