

A BILL

FOR

AN ACT TO MAKE PROVISIONS FOR THE MANAGEMENT OF MENTAL HEALTH IN NIGERIA AND FOR RELATED MATTERS, 2019

Sponsored by Senator Kashim Shettima

Co-Sponsors:

- | | |
|--------------------------------|-----------------------------|
| Sen. Ndume, Mohammed Ali | Sen. Isah, Jibrin |
| Sen. Dahiru, Aishatu Ahmed | Sen. Umar, Sadiq Suleiman |
| Sen. Sekibo, George Thompson | Sen. Abdullahi, Aliyu Sabi |
| Sen. Mustapha, Olalekan Ramoni | Sen. Moro, Patrick Abba |
| Sen. Amosun, Ibikunle Oyelaja | Sen. Gaidam, Ibrahim Alhaji |
| Sen. Tinubu, Oluremi Shade | Sen. Apiafi, Betty Jocelyn |
| Sen. Adetunmbi, Olunmi Ayodeji | Sen. Shekarau, Ibrahim |
| Sen. Adeyeye, Clement Adedayo | Sen. Gaya, Kabiru Ibrahim |
| Sen. Goje, Mohammed Danjuma | Sen. La'ah, Danjuma Tella |
| Sen. Suswam, Gabriel Torwua | Sen. Kyari, Abubakar Shaib |

Commencement

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

PART I - GENERAL

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1. The Bill may be cited as Mental Health Bill, 2019.

Citation

2. In the Act, unless the context otherwise requires:

Application

(a) "Mental Disorder" means any disability or disorder of mind or brain, whether permanent or temporary, which results in an impairment or disturbance of mental functioning. Social deviance or conflict alone without disturbance of mental functioning is not mental disorder;

(b) "mental impairment" means a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning and is associated with abnormally aggressive or

1 seriously irresponsible conduct on the part of the person concerned.

2 PART II - INSTITUTIONS FOR THE CARE OF PERSONS WITH
3 MENTAL DISORDERS

Establishment
of Institutions

4 3.--(1) The Government of the Federation, or of a State, or of a Local
5 Government Area; or a private organization or an individual, may establish and
6 maintain hospitals and medical facilities even in penal institutions, for the
7 treatment and care of persons with mental and behavioural disorders and for
8 the training of medical and other health personnel for the treatment of such
9 persons.

10 (2) The Minister may by order published in the Gazette, appoint the
11 whole or part of any public building with any houses, grounds or premises
12 belonging thereto, which meets stipulated minimum standard, to be a mental
13 health facility. Accordingly, all such places which existed before the
14 commencement of this Act shall be deemed to have been appointed and under this
15 Act.

16 (3) The Minister may in like manner declare that any place shall cease
17 to be a mental health facility.

18 (4) For any facility to be designated as Psychiatric Hospital for the
19 purpose of this section, it shall comply with such conditions (as it relates to .the
20 quality and number of personnel, the number of beds in the hospital, the
21 equipment and facilities provided in the hospital) as the Minister may from
22 time to time prescribe.

23 (5) There shall be appointed for each Psychiatric Hospital established
24 pursuant to this Act a Medical Director who shall be a Medical Practitioner
25 recognised by the Medical and Dental Council of Nigeria as having special
26 training and requisite experience in the diagnosis and treatment of persons with
27 mental and behavioral disorders.

28 (6) There shall also be appointed for each Psychiatric Hospital such
29 medical practitioners, practitioners in such fields allied to medicine and any
30 other staff as may be deemed necessary by the hospital management.

1 (7) There shall be established in each general hospital and other
2 similar medical institutions separate wards for admission and care of
3 patients with mental and behavioural disorder.

4 (8) There shall be established in all Primary Health care Centers a
5 component unit for referral services and follow up care for persons with
6 mental disorder.

7 PART III - ADMISSION AND DISCHARGE OF PATIENTS

8 4. Any person who requires treatment for mental disorder, may be
9 admitted voluntarily into any hospital or other facility approved for that
10 purpose by the government, pursuant to Section 3 of this Act.

Voluntary
Admission

11 5.-(1) A person may be admitted to a hospital and there detained for
12 periods specified by sections of this Part of the Act on an application for
13 admission for observation on grounds that:

Compulsory
Admission

14 (a) he is suffering from mental and behavioural disorder of a nature
15 or degree which warrants his compulsory admission in a hospital for
16 observation (with or without medical treatment) for a limited period; and

17 (b) he ought to be so detained in the interest of his own safety or
18 with a view to protecting the safety and interest of other persons:

19 (2) An application pursuant to Subsection (1) of this section shall
20 be made on the written recommendation of a medical practitioner in the
21 prescribed form stating that the conditions set out in paragraphs (a) and (b)
22 of Subsection (1) of the section are satisfied.

23 (3) A patient admitted pursuant to this section may be detained for a
24 period not exceeding 28 days, beginning with the day on which he is
25 admitted. He may however be detained thereafter if he becomes liable for
26 compulsory admission again by virtue of a subsequent application, order, or
27 direction under any of the following provisions of this Act.

28 6.-(1) An emergency application may be made either by a health
29 care worker or by any relative of the patient in case of urgent necessity for
30 the patient to be admitted and detained under Section 5 of this Act, but

Emergency
Application

1 section; the Judge shall have power to make such orders and give such
2 directions and authorities as he thinks fit, for the purposes of that section and in
3 particular may make orders or give directives or authorities for:

- 4 (a) the control (with or without the transfer or vesting of property or
5 the payment into court of money or securities) and management of any
6 property of the patients;
- 7 (b) the settlement of any property of the patient or the gift of any
8 property of the patient to any person;
- 9 (c) the carrying on by any suitable person of any profession, trade or
10 business of the patient;
- 11 (d) the sale, exchange, charging or other disposition of any property
12 of the patient;
- 13 (e) the acquisition of any property in the name of the patient;
14 if the dissolution of any property of which the patient is a member;
- 15 (g) the carrying out of any property of which the patient is a member;
- 16 (h) the conduct of any legal proceedings in the name of the patient or
17 on his behalf;
- 18 (i) the reimbursement out of the property of the patient, with or
19 without interest, of money applied by any person for or for the benefit of the
20 patient; or
- 21 (j) the exercise of any power vested in the patient (including a power
22 of consent) whether beneficially or as a guardian, trustee or otherwise however.

23 26. Where it is represented to the Judge and he has reason to believe
24 that a person may be incapable by reason of mental disorder of managing or
25 administering his property and affairs, and the Judge is of opinion that it is
26 necessary to make immediately provision for any of the matters referred to in
27 Section 25 of the Act" the Judge may exercise any of the powers conferred on
28 him by the said Section 25, so far as is requisite for enabling that provision to be
29 made, pending the question whether the said person is incapable as aforesaid.

Judge's power
in case of
emergency

PART VI - TREATMENT

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2 27.-(1) This part of this Applies to any patient referred to in any
3 section of this Act.

Consent to
treatment

4 (2) The following forms of medical treatment for mental' disorder
5 and behavioural disorders shall require consent:

6 (a) any surgical operation for destroying brain tissue or for
7 destroying the function of the brain tissue; and

8 (b) such other forms of treatment requiring explanation of known
9 risks to the patient to enable the patient to decide whether or not to accept
10 such form of treatment.

11 (3) A patient shall not be given any form of treatment unless:

12 (a) the responsible medical officer or a registered medical
13 practitioner has certified in writing that the patient is capable of
14 understanding the nature, purpose any likely effects of the treatment and has
15 consented to;

16 (b) the medical officer referred to in paragraph (a) of this
17 subsection certifies in writing that the patient has not consented to the
18 treatment for reason of incapacitation or other, but that having regard to the
19 likelihood of its alleviating or preventing a deterioration of his. condition,
20 the treatment should be given.

21 (4) A patient may, at any time before the completion of treatment
22 for which he had previously given consent, withdraw such consent in
23 writing if he so desires.

24 (5) Subsections (2) (a) and (b) of this section shall not apply to any
25 treatment:

26 (a) which is immediately to save the patient's life;

27 (b) which (not being irreversible) is immediately necessary .to
28 prevent a deterioration of his condition; or

29 (c) which (not being irreversible or hazardous) is immediately
30 necessary to alleviate serious suffering by , the patient; or

Minister's
power to make
Regulations

1 32.-(1) The Minister may, with the approval of the President,
2 Commander-in-Chief of the Armed Forces, make regulations, for prescribing
3 anything which under this Act ought to be prescribed and such regulation or
4 regulations shall be published in the Federal Government Gazette.

5 (2) Without prejudice to the generality, of the provisions of
6 Subsection (1) of this section the regulations made under that subsection may:

7 (a) specify the hospitals and other institutions with facilities for the
8 time being for the reception, and treatment of patients requiring treatment and
9 care for mental disorder;

10 (b) specify access to the public into Psychiatric Hospitals and similar
11 other institutions, and their conduct while in such premises; and

12 (c) such other things as may appear to be lacking in this Act but
13 necessary to achieve the aims and goals of the Act.

Interpretation

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

15 (a) "court order" means an order made out by court committing a
16 criminal offender before the court to compulsory admission with or without
17 restriction to a psychiatric facility for observation, assessment and advice on
18 his mental state;

19 (b) "hospital order" means an order signed by two doctors, one of
20 whom shall be a psychiatric doctor committing a patient for detention in a
21 psychiatric facility for observation and treatment;

22 (c) "leave of absence" means a period of trial away from hospital
23 granted by the responsible medical officer so as to enable the patient's family to
24 take him home to observe him and report on his progress with treatment;

25 (d) "medical director" means the chief executive medical practitioner
26 in charge of a psychiatric hospital to which this Act applies;

27 (e) "medical practitioner" means a medical graduate registered within
28 the meaning of Medical and Dental Practitioners Act, 1988;

29 (f) "responsible medical officer" means a medical practitioner in
30 charge of a patient's case;

1 (g) "mental health professional/welfare" includes a qualified
2 psychiatrist, a medical officer working in a psychiatric hospital or unit, a
3 clinical. Psychologist, a psychiatric social worker, a psychiatric nurse;

4 (h) "Minister" means the Minister charged with the responsibility
5 for matters relating to Mental Health;

6 (i) "nearest relative" in relation to a patient, includes a husband or
7 wife, son or daughter, father or mother, brother or sister, grandparent or
8 grandchild, uncle or aunt, nephew/niece or cousin;

9 (j) "patient" means a person suffering or appearing to be suffering
10 from mental disorder;

11 (k) "place of safety" in relation to the patient includes police station
12 or post, a hospital, any place of reverence - Church, Mosque, Palace.

13 34. This Bill may be cited as the Mental Health Bill, 2019.

Short title

14 SCHEDULE

15 FORM A

16 CERTIFICATE 'OF ADMISSION

17 Section 5

18 I certify that it is expedient for the welfare and safety of that
19 he should be forthwith placed under observation and treatment for a period
20 not exceeding days.

21 My reasons for this conclusion are as follows:

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28 Signed: Medical Officer

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FORM B

INFORMATION [Relative, good neighbor]

A. B of . informs the undersigned

Medical Officer that he has good cause to suspect and believe, and does suspect and believe that CD of. is in need of mental healthcare.

Social Welfare Officer/Nurse Signature of Informant

Taken and sworn at this day of 20.

Before me:

Medical Officer

FORM C

MEDICAL CERTIFICATE

Section 9

I, Dr. a duly qualified medical practitioner hereby certify that I, on the day of at in LGA of State personally examined Mr/Mrs/Miss and I hereby certify that the said is mentally ill and a proper subject for admission, and I have formed this opinion upon the following grounds, namely:

(1) Facts indicating mental disorder observed by myself as hereunder stated

(2) Other facts (if any) indicating mental disorder communicated by as hereunder stated:

1 (3) I have made inquiries of all persons known to me who seem likely to be
 2 able to give information as to any facts of the previous history of the said
 3 likely to be of service with reference to his medical treatment.. The
 4 following statement contains all such facts known to me:

- 5 Name of Patient in full
- 6 Sex and Age
- 7 Marital Status
- 8 Condition of life and previous occupation if any Religion.
- 9 Previous Place of Abode
- 10 Whether first attack. Age on first attack (if known)
- 11 When and where previously under care and treatment
- 12 Duration of existing attack. Supposed cause
- 13 Whether subject to epilepsy
- 14 Whether suicidal
- 15 Whether dangerous to others
- 16 Name in full and place of abode of nearest known relative of patient and
 17 degree of relationship. Any other facts.
- 18 Dated this..... day of..... 20
- 19 Signed:..... Medical Practitioner (Place of
 20 adode)

FORM D

Section 16

CERTIFICATE OF RECOVERY AND DISCHARGE

21 (a) When granted by Medical Officer
 22 I hereby certify that.....at present confined in this hospital has
 23 been under my care and observation for.....months, and that I have
 24 examined him and have inquired into all necessary facts relating to his case,
 25 and I believe that he has made such' progress as to be a proper person to be
 26 discharged there from.
 27
 28

29
 30 Signature of Medical Officer

1 (b) When granted by two Medical Practitioners.
2 We hereby certify that we have this day personally examined.....at
3 present confined at: hospital, and after due inquiring into all necessary facts
4 relating to his case, we believe that he has now made such progress as to be a
5 proper person to be discharged there from.
6
7 Medical Officer I Medical Officer II

EXPLANATORY NOTE

This Bill seeks to makes elaborate provisions for the management of Mental Health in Nigeria. The Act makes sundry provisions for the formal admission for observation and/or treatment, it makes provisions for the protection of the interest of the mentally ill from the normal population, in various personal, civil and criminal matters as well as the protection of the general public interest from any antisocial behavior associated with the mental disorder, especially in matters relating to criminality and recidivism.