

14th February, 2020

The Chairman
Senate committee on Health
national Assembly Complex
Abuja.

Dear Sir,

MEMORANDUM OF THE ASSOCIATION OF PSYCHIATRIC NURSES OF NIGERIA ON A BILL FOR AN ACT TO PROVIDE FOR THE ENHANCEMENT AND REGULATION OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES, PROTECT PERSONS WITH MENTAL HEALTH NEEDS AND ESTABLISHMENT OF NATIONAL COMMISSION FOR MENTAL AND SUBSTANCE ABUSE SERVICES, FOR THE EFFECTIVE MANAGEMENT OF MENTAL HEALTH IN NIGERIA AND FOR OTHER RELATED MATTERS

1.0 INTRODUCTION

The Association of psychiatric Nurses of Nigeria on behalf of members throughout the nation thanks the distinguished senators for extending the invitation to participate in the public hearing deliberating on the Bill For An Act To Provide For The Enhancement And Regulation Of Mental Health And Substance Abuse Services, Protect Persons With Mental Health Needs And Establishment Of National Commission For Mental And Substance Abuse Services, For The Effective Management Of Mental Health In Nigeria And For Other Related Matters (SB 66).

We do sincerely believe that the efforts being put on to overcome the observed challenges will yield a desirable result, with objective consideration and implementation of our submission.

2.0 OBSERVATIONS AND SUBMISSIONS:

Part I

Objective And Application

Our submission: we added (f) protect the rights and privileges of Mental Health and Substance Abuse practitioners and institutions where services are offered.

They should be given health insurance cover.

Part II: Governing Board of the Commission

Our observation: the proposed membership of the Governing Board of the Commission does not allow for fairness

(2b) should read – the Chief Executive / Executive secretary of the commission shall be a qualified and practicing psychiatrist, other mental health service providers of the same cadre of not less than 10 years experience and not less than Level 15 for the purpose of

- i. Arriving at an unbiased decisions
- ii. To avoid existing inter professional conflict negatively affecting the health services in Nigeria

(2c) should read- representative of the public sector who shall be Director in Core clinical services of one of the Federal Neuropsychiatric Hospitals in Nigeria;

Part III

Mental Health Review Tribunal

16. on Composition of the Tribunal

Our observation: the tribunal at each sitting should consist of

(c) Psychiatric/ Mental Health Nurse

For i. equity

ii. Fairness

iii. Justice at the tribunal

(d) Three other persons; a medical social worker, a clinical psychologist, Psychiatric nurse practitioner, or an occupational therapist, at least one of whom is a woman; and

(d) a service user.

21. on Meeting of the tribunal

Our submission: Section (9) shall apply to the Tribunal except that the chairperson, and 2 other member constitute a quorum for the Tribunal and the Tribunal shall meet as required.

Reason: For fair hearing

PART IV

Basic human rights

(6b) the right to have access to and spend personal money for personal

Purchases unless the mental capacity of the person does not allow

that.

- We need legal clarification on who determines the mental capacity of the patient.
- The right to have access to and spend personal money could be as determined by the care giver (psychiatric nurse) or any other approved mental health practitioners.
- This is to prevent aggression /assault to care giver (nurses/ approve mental health practitioner).

(6c) the right to information provided by news paper and other media **should be determined** by the care giver.

(6e) **This article should be expunged.** Because many patient were forced to the hospital by their relatives.

Access to information

(16) Should read thus Where the patient is incapable of understanding the treatment, the personal relative or guardian of that patient known to the carer shall have access to this information.

Privacy and Autonomy

Our submission

(19) **Should read** The rights of a person with mental disorder include freedom to receive in private, visits from a legal practitioner, relatives and any other visitors, unless the attending approved mental health practitioner or head of the facility approved mental health practitioner on duty considers it unsafe.

(21) Should be expunged unless

(22) Should stay unless there is a second opinion advocate.

(24) Our observation: not to be subjected to solitary confinement.

Our submission: patient can be extremely dangerous to self, others or care givers hence here should be a restriction order.

PART V

TREATMENT, ADMISSION AND DISCHARGE OF PATIENTS

27 on Consent to Treatment and Treatment of children(minors)

(3a) **Should read the Approved mental health practitioner** or a registered medical practitioner has certified in writing that the patient is capable of understanding the nature, purpose, any likely effects of the treatment and has consented to it; or

(3b) the **approved mental health practitioner** referred to in paragraph (a) of this subsection certifies in writing that the patient has not consented to the treatment for reason of incapacitation or other, but that having regard to the likelihood of its alleviating or preventing a deterioration of his condition, the treatment should be given.

(6) In all circumstances the **approved mental health practitioner** shall consider the condition of the patient, the need to obtain consent from the nearest relative, periods of lucid intervals and his/her personal moral decision to obtain consent.

(7a) a child receiving psychiatric treatment shall as much as possible, be treated in a least restrictive environment.

Our submission: we need to specify the minimum requirement of a least restrictive environment.

(28) On voluntary admission

Any person who requires treatment for mental and substance use related

disorders, may be admitted voluntarily **provided he or she is accompanied by a significant other** into any hospital or other facility approved for that purpose pursuant to this Act.

(30) on Recommendation to court for temporary involuntary treatment

(8a) should read an involuntary patient is entitled to change his own status to that of a voluntary patient if an **approved mental health practitioner of the facility** certifies that because only approve mental health practitioner can give a good clinical judgment on a patient.

(32) On appeal

(5) will need more legal advice for possible reconsideration.

(38) On grant of leave from hospital.

(1) Should read : the **approved mental health practitioner** may grant to any patient who is for the time being liable to be detained in a hospital under this Act, leave to be absent from the hospital subject to such considers necessary in the interest of the patient or for the protection of other persons.

Our further submission on Part V is responsible medical officer should be replaced with **approved mental health practitioner**.

(41) On non accredited facility and involuntary patient

Our observation: there is no provision for prevent of illegal operation of private facilities.

Our submission: accreditation criteria for private facilities should be spelt out

i. this will prevent operation of illegal health facilities by private individuals as it is seen in the present day.

ii. to prevent quackery

iii. To reduce undue exposure of patient to physical and mental torture under the disguise of private care.

Iv. Accredited facility will facilitate continuity, post discharge and follow up care.

PART IX

Establishment of Mental Health Fund.

(52) On object of the fund

We added (e) care of the minor with mental health disorder

(f) care of pregnant women and elderly with mental health disorder.

(g) care provision for members of staff who are victims of harzard/ assault in line of duty.

(h) Part of the fund should include National Health Insurance Scheme (NHIS) coverage for psychiatric patient who are under this scheme. This should cover:

- Routine laboratory investigations e.g full blood count, fasting blood sugar, electrolyte urea and creatinine, urinalysis.
- Conventional drugs.

PART X

Offences and penalties

(59) On operating a facility without a license.

Our observation : People who are qualified to operate a facility are not specified.

(1) No **Private** Hospital or Facility responsible for the treatment or

Certification of persons dealing with mental ill-health and substance use disorders and mental disabilities shall operate without a valid license **from the Council:**

Our submission: (a) The regulating council for issuance of operating license should be specified.

(b) Who are the people qualified to open a facility.

(c) Requirements for opening a facility.

(60) On violation of the right of persons under this Act

Our observation: The last statement under (60) (3) (b) state that the facility management should also be held liable.

Our submission: Punishment for the facility management should be specified e.g review or revocation of license.

(64) On sexual relationship with a patient

(1) Should read: It shall be an offence under this section for a man or a woman who is an officer or staff or is otherwise employed in or is one of the **Mental health practitioner** of a Psychiatric hospital or treatment facility .

PART XII
MISCELLANEOUS

(73) Interpretation

Our observation:

According to Online wictionary allie health professionals provide a range of health care services outside the scope of medicine dentistry and nursing profession e.g music therapy, physiotherapy, optometry

The definition of health care profession according to Mariam Webster Dictionary

“ all health care profession distinct (except) dentistry, nursing, medicine and pharmacy they provide a range of diagnostic technical and support services in connection with health hence, **NURSES ARE NOT ALLIED.**

Our submission: Psychiatric nurses should be expunged from the list of allied health professionals.

(73) Should read: In this Act –

“Allied Mental Health Professionals” means any formally educated and trained non-medical health professionals such as (but not limited to) Clinical

Psychologists, social workers, , **occupational therapists, recreational therapists**
Mental Health and Addiction Counsellors.