

**MEMORANDUM FROM NIGERIAN ASSOCIATION OF CLINICAL PSYCHOLOGY
(NACP) TO THE SENATE COMMITTEE ON HEALTH, NATIONAL ASSEMBLY
COMPLEX**

**COMMENTS AND RECOMMENDATIONS BY THE NIGERIAN ASSOCIATION OF
CLINICAL PSYCHOLOGISTS**

**NIGERIA “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”**

**BELOW ARE THE CONTRIBUTIONS OF CLINICAL PSYCHOLOGISTS ON
"MENTAL HEALTH BILL"**

The above-named Draft Mental Health Bill was thoroughly examined at a WHO Sponsored Workshop held at the Yaba Neuro-Psychiatric Hospital, Yaba, Lagos 2018 and The National Action Committee Meeting on Mental Health August, 2019 which was attended by various mental health practitioners from Nigeria and overseas. The WHO was well represented as was the Nigerian Association of Clinical Psychologists (NACP).

Javier Vasquez, LL.B., LL.M. a World Health Organization (WHO) Consultant on “Health Law and Human Rights” guided the Workshop on International/Regional Law Instruments And Technical Guidelines which are detailed below.

Title: Act should be “MENTAL HEALTH ACT”

The Name of the Bill

The association is aligning with the position of Javier Vasquez, (the World Health Organization (WHO) Consultant on “Health Law and Human Rights”) and recommend that the name of the bill be modified as,

“An act to promote and protect the rights of persons with mental health conditions and persons with intellectual, psychosocial or cognitive disabilities; to provide for the

enhancement and regulation of mental health and substance abuse services and the establishment of a national commission for mental health in Nigeria”.

This is more representative of what we do and more encompassing to deal with all dimensions of mental health issues. See attachment 2

2. Need to Define Mental Health

It is highly essential to define mental health, and we recommend we adopt that of the World Health Organization (WHO) which states that, “*Mental health is a state of well-being in which an individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully and is able to make a contribution to his or her community*”

This will help address the issue of ambiguity in some areas and bring to focus some of the issues we intend addressing in the bill.

3. The Definition of Mental Health Professional

The definition of the mental health professional by the bill is obviously inadequate in line with global best practices which conceptualizes mental health practice as a multidisciplinary approach (team work) between the relevant team players which include the Psychiatrists, Clinical Psychologists, medical social workers, Psychiatric nurses, and Occupational therapists. The reference to the major team players as allied mental health professional is misleading and not in keeping with either the WHO charter or global best practice and even those of our neighboring African countries like Ghana and South Africa as examples.

According to the content of the bill and the global standard, mental health is a multidisciplinary team; the team members comprise different professions. Therefore, based on the above we posit that the bill should define a mental health professional appropriately and expand the interpretation section of the bill to include the following;

- i. Psychiatrists, anyone licensed by the board to practice Psychiatry
- ii. Clinical Psychologist for the purpose of this bill is anyone who has a B.Sc in Psychology, M.Sc and/or a PhD in Clinical Psychology and is licensed by the professional body to practice Clinical Psychology in Nigeria.
- iii. Medical Social Worker
- iv. Occupational Therapist
- v. Psychiatric Nurse

***Article 6: GOVERNING BOARD OF THE COMMISSION**

COMMENT: Clinical psychologist of 12 years' experience and practice should also be considered to fill the post of the CEO of the commission

(b) Should read "The chief executive/executive Secretary of the commission shall be a qualified and practicing mental health practitioners of not less than 10 years of experience

(c) Should read "a representative of the public sector, who shall be a mental health practitioner in the federal hospital in Nigeria not less than deputy director cadre.

Article 16(2b): Composition of the tribunal

A consultant psychiatrist, (c) Three other persons; a medical social worker, a clinical psychologist, and a psychiatric nurse practitioner, at least one of whom is a woman; and

Should read:

a) A consultant psychiatrist, a medical social worker, a clinical psychologist, and a psychiatric nurse practitioner, at least one of whom is a woman; and

Article 27 (3a,b)

A patient shall not be given any form of treatment unless:

(a) the **responsible medical officer** 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

(b) the **medical officer** 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.

SHOULD READ:

“A responsible Clinician”

Article 33 (1):

A psychiatrist or head of a facility may recommend the placement.....

Should read:

A mental health practitioner may recommend the placement.....

Article 36(2)

Where the person detained is not discharged before seventy- two hours by the psychiatrist or head of the facility.....

Should read:

*Where the person detained is not discharged before seventy- two hours by the **mental health team** of the facility*

Article 38(1, 3):

The responsible medical officer may grant to any patient who is for the time being liable.....

Should read:

The responsible clinician (mental health team) may grant to any patient who is for the time being liable

3:

The responsible medical officer may by notice in writing' to the patient or to the person for the meantime in charge of the patient, revoke the Leave of absence

Should read:

The responsible clinician may by notice in writing' to the patient or to the person for the meantime in charge of the patient, revoke the Leave of absence

*Article 39: An order for discharge

(a) Should read "by the responsible mental health team who are directly involved in the management of the patient of the hospital, where the patient is detained pursuant to an application for admission of observation; or

(b) By the responsible Multi-Disciplinary Team or by the nearest relation, where the patient is detained pursuant to an application for admission for treatment". In other cases, the order shall be made pursuant to the responsible medical officer's report and with the aid of objective psychological tests as applicable by a clinical psychologist that the circumstances leading to his detention in the first place no longer exist.

*Article 73 Interpretation:

“Allied Mental Health Professionals” means any formally educated and trained non-mental health professionals such as (but not limited to) physicians, Clinical Psychologists, social workers, Psychiatric Nurses, therapists, recreational therapists Mental Health and Addiction Counsellors.

Should read

“Allied Mental Health Professionals” means any formally educated and trained non-mental health professionals such as (but not limited to) physicians, counsellors, Mental Health recreational therapists and other Addiction Counsellors.

**Mental health professionals” means persons trained and Board certified to practice psychiatry

Should read:

Mental health professionals” means persons trained and Board certified to practice psychiatry, Clinical Psychologists, social workers, Psychiatric Nurses, and occupational therapists.

-Mental health professionals: should read "Means persons trained and certified by allied mental health professional bodies certified to practice as a mental health practitioner"

RESPONSIBLE CLINICIAN according to Mental Health Act of the UK (2007):

The criteria set out in the directions for a new version to be “approved” are that:

- They fulfill the professional requirements
- They are able to demonstrate that they [possess the relevant competences and They have completed, within the last two years a course for the initial trainings of ACs (Approved clinicians)

To fulfill the professional requirements, a person must be:

- A registered medical practitioner
- Or a chartered psychologist
- Or a first level nurse whose field of practice is mental health or learning disability nursing
- Or an occupational therapist
- Or a registered social worker