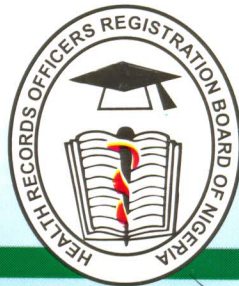




Federal Republic of Nigeria
Official Gazette



HEALTH
RECORDS OFFICERS

Registration Board of Nigeria

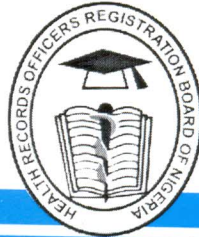
Decree 39 of 1989

Health Records Officers Registration Board of Nigeria

Decree 39 of 1989



**Federal Republic of Nigeria
Official Gazette**



**HEALTH
RECORDS OFFICERS
Registration Board of Nigeria**

Decree 39 of 1989

**HEALTH RECORDS OFFICERS
(REGISTRATION, ETC.) ACT**

ARRANGEMENT OF SECTIONS

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*Establishment of the Health Record Officers Registration
Board of Nigeria, etc.*

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5. Control of the Board by the Minister.
6. Registrar and other employees of the Board.

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HEALTH RECORDS OFFICERS (REGISTRATION, ETC.) ACT

An Act to establish a Board for the control and practice of the profession of health records management and matters relating thereto.

[1989 No. 39.]

[11th December, 1989]

[Commencement.]

THE FEDERAL MILITARY GOVERNMENT

Commencement

hereby decrees as follows:-

PART I Establishment of the Health Records Officers Registration Board of Nigeria, etc.

1. (1) There is hereby established for health records officers a body to be known as the Health Records Officers Registration Board of Nigeria (in this Act referred to as "the Board").

Establishment
of the Health
Records Officers
Registration
Board of Nigeria

- (2) The functions of the Board shall include the following, that is-
- (a) Determining what standards of knowledge and skill shall be attained by a person seeking to become a member of the profession of health records management and improving those standards from time to time as circumstances may permit;
 - (b) Securing in accordance with the provisions of this Act, the establishment and maintenance of a register of persons registered under this Act as members of the profession and the publication from time to time of lists of those persons;
 - (c) conducting examinations in health records management and awarding certificates or diplomas to successful candidates as appropriate, and for such purpose the Board shall prescribe fees to be paid in respect thereof; and
 - (d) Performing such other functions conferred on the Board by this Decree.

2. (1) The Board shall comprise the following members, that is-

Membership of
the Board

- (a) a chairman;
- (b) two health records officers;
- (c) four health records officers to represent the States in rotation for two years at a time;
- (d) one person to represent the Nigeria Medical Council
- (e) one person to represent schools involved in training members of the profession in rotation for two years at a time;

- (f) one person to represent the Federal Minister.
 - (g) one person to represent public interest; and
 - (h) one person to represent the University Teaching Hospitals.
- (2) All appointments in this section shall be made by the President, Commander-in-Chief of the Armed forces on the recommendations of the Minister.
- (3) The provisions of the First Schedule to this Decree shall have effect with respect to the matters therein mentioned.
[First Schedule.]
3. (1) The Board shall establish and maintain a fund into which shall be paid-
- Fund of the Board**
- (a) All fees and other moneys payable to the Board in pursuance of this Decree; and
 - (b) such moneys as may be payable to the Board whether in the course of the discharge of its functions or otherwise.
- (2) There shall be paid out of the fund of the Board-
- (a) All expenditure incurred by the Board in the discharge of its functions under this Decree;
 - (b) the remuneration and allowances of the Registrar and other staff of the Board; and
 - (c) such reasonable travelling and subsistence allowances of members of the Board in respect of the time spent on the business of the Board as the Board may, with the approval of the Minister, determine.
4. (1) It shall be the duty of the Board to prepare and submit to the Minister not later than the 31 st day of August of the year in which this subsection comes into force (so however that the Minister may, if he considers it necessary, extend the period),
- Annual estimates, accounts and audit**

and of each subsequent year, an estimate of its income and expenditure during the next succeeding year.

- (2) The Board shall keep proper accounts in respect of each year and proper records in relation to those accounts and shall cause its accounts to be audited within six months after the end of each year to which the accounts relate.

5. The Minister may give to the Board directions of a general character or relating generally to a particular matter (but not to any individual person or case) with regard to the exercise by the Board of its functions under this Decree and it shall be the duty of the Board to comply with the directions.

Control of the Board by the Minister

6. (1) The Board shall appoint a fit and proper person who is duly registered to be the registrar for the purposes of this Decree.

Registrar and other employees of the Board

- (2) The Registrar shall, in addition to his other functions under this Decree, be the Secretary to the Board and shall on the instructions of the chairman of the Board or any committee of the Board convene meetings of the Board or of any committee of the Board and shall keep minutes of the proceedings of all such meetings.

- (3) The Board may appoint such other persons to be employees of the Board as the Board may determine to assist the Registrar in the exercise of his functions under this Decree.

- (4) The Board may, whenever the Registrar is absent or for any other reason unable to discharge the functions of his office, appoint an acting Registrar to discharge those functions.

- (5) The Registrar and other employees of the Board shall hold office on such conditions as the Board may, with the approval of the Minister, determine.

PART II Registration and related matters

7. (1) It shall be the duty of the Registrar to prepare and maintain, in accordance with rules made by the Board under this section, a register of the names, addresses, approved qualifications and of such other particulars as may be specified, of all persons, who are entitled in accordance with provisions of this Act to be registered as health records officers and who apply in the specified manner to be so registered. **Preparation and maintenance of register**
- (2) Subject to the following provisions of this section, the Board shall make rules with respect to the form of keeping of the register and the making of entries therein, and in particular-
- (a) Regulating the making of application for registration and providing for the evidence to be produced in support of such application;
 - (b) Providing for the notification to the Registrar by the person to whom any registered particulars relate, of any change in those particulars;
 - (c) Specifying the fees to be paid to the Board in respect of the entry of names on the register and authorising the Registrar to refuse to enter a name on the register until any fees specified for entry has been paid;
 - (d) Authorising a registered person to have any qualification which is, in relation to his profession, whether an approved qualification or an accepted qualification under section 9 (2) of this Decree, registered in relation to his name in addition to or, as he may elect, in substitution for any other qualification so registered; and
 - (e) Specifying any other matters so required under the foregoing provisions of this section, but rules made for the purposes of paragraph (c) of this subsection shall not come into force until they are confirmed by the Minister.

(3) It shall be the duty of the Registrar-

- (a) to correct, with the directions of the Board, any entry in the register which the Board directs him to correct as being in the opinion of the Board an entry which was incorrectly made;
- (b) To make from time to time any necessary alterations to the registered particulars of registered person;
- (c) To remove from the register the name of any registered person who has died or has become insane or who has for any other reason ceased to be qualified to be a member of the profession.

(4) If the Registrar-

- (a) sends by post to any registered person a registered letter addressed to him at his address on the register enquiring whether the registered particulars relating to him are correct and receives no reply to that letter within three months from the date of posting it; and
- (b) Upon the expiration of that period sends in like manner to the person in question a second letter and receives no reply to that letter within three months from the date of posting it, the Registrar may remove the particulars relating to the person from the register; but the Board may direct the Registrar to restore to the register any particulars removed therefrom under this subsection.

8. (1) It shall be the duty of the Registrar-

- (a) to cause the register to be printed, published and put on sale to members of the public not later than two years from the beginning of the year in which this Decree comes into force;
- (b) in each year after that in which a register is first published under paragraph (a) of this subsection, to cause to be

Publication of
register and
lists of
corrections

printed, published and put on sale as aforesaid either a corrected edition of the register or a list of alterations made to each register since it was last printed; and

- (c) To cause a print of each edition of the register and of each list of corrections to be deposited at the principal office of the Board; and it shall be the duty of the Board to keep each register and lists so deposited open at all reasonable times for inspection by members of the public.
- (2) A document purporting to be a print of an edition of a register published under this section by authority of the Registrar in the current year or documents purported to be prints of an edition of a register so published in the current year, shall (without prejudice to any other mode of proof) be admissible in any proceedings as evidence that any person specified in the document, or the documents read together as being registered, is so registered and that any person not so specified is not so registered.
9. (1) Subject to section 27 of this Decree and to rules made under section 7 (2) thereof, a person shall be entitled to be registered under this Act and being so registered to receive a registration certificate if-
- Registration as health records officer**
- (a) He has attended a course of training approved by the Board under section (17) of this Act;
- (b) The course was conducted at an institution so approved, or partly at one of such institutions and partly at another;
- (c) he holds at least one of the qualifications prescribed in the Third Schedule to this Act for the purpose of registration on the register and has complied with the other requirements prescribed under section 7 (2) of this Decree;

- (d) He holds a certificate of experience issued in pursuance of section 20 of this Act;
 - (e) He is of good character; and
 - (f) He thereafter pays any prescribed fee.
- (2) Subject to section 27 of this Decree and to rules made under section 7 (2) of this Decree, a person shall also be entitled to be registered under this Act and being so registered to receive a registration certificate, if he satisfies the Board-
- (a) That he holds a qualification granted outside Nigeria for the time being accepted by the Board for the purposes of this subsection as respects the profession;
 - (b) That in the country in which the qualification was granted, he was under no legal disability in the practice of the profession;
 - (c) He holds a certificate of experience issued in pursuance of section 20 of this Decree;
 - (d) That he is of good character; and
 - (e) He thereafter pays any prescribed fee.
- (3) The Board shall from time to time publish in the Federal *Gazette* particulars of the qualifications for the time being accepted as aforesaid.
- (4) The qualifications specified in the Third Schedule to this Act are those accepted for the time being by the Board as the minimum qualifications for the purpose of registration on the register maintained under section 7 of this Decree.
[Third Schedule.]
- (5) Subject as aforesaid, a person shall be entitled to be temporarily registered under this Decree in cases specified in section 10 of this Decree.

10. (1) Where a person satisfies the Board-**Temporary
registration**

- (a) that he has been selected for employment for a specific period in a capacity in which a registered person under this Decree would normally be employed and that he is or intends to be in Nigeria temporarily for the purpose of serving for that period in the employment in question;
 - (b) that he holds or has passed examinations necessary for obtaining some qualifications granted outside Nigeria which is for the time being accepted by the Board for the purpose of this Decree as respects the capacity in which, if employed he is to serve; and
 - (c) He pays any fees prescribed for registration, the Board may, if it thinks fit, give a direction that he shall be temporarily registered.
- (2) The temporary registration of a person shall continue only while he is in such employment as is mentioned in subsection (1) (a) of this section and shall cease-
- (a) On the termination of the period of employment specified to the Board under that subsection; or
 - (b) On the termination of the said employment before the end of that period, whichever first occurs.
- (3) Nothing in subsection (2) of this section shall preclude the Board from giving a further direction under subsection (1) of this section in respect of a specific period, the commencement of which coincides with the termination of another such period.
- (4) A person who is temporarily registered shall, in relation to his employment mentioned under subsection (1) (a) of this section, and to things done or omitted to be done in the course of that employment, be deemed to be fully registered, but in respect of other matters he shall be treated as not so registered.

- (5) In case of doubt as to whether a person's employment has been terminated, the decision of the Board shall be conclusive for the purposes of subsection (2) of this section.
- (6) The Registrar, as directed, from time to time, by the Board, shall remove from the register the name of any person ceasing to be entitled to the benefit of this section.
11. A certificate required by any written law from any class of persons for whom a register is maintained under this Act shall not be valid unless the person signing it is registered in accordance with this Decree. **Certificate invalid if given by unregistered person**
12. (1) Subject to the provisions of this Decree, no person, not being registered as a health records officer, shall be entitled to hold any appointment in the civil service of the Federation or of a State or in any public or private establishment, body or institution, if the holding of such appointment involves the performance by him in Nigeria of any act pertaining to the profession. **Appointment not to be held by unregistered person**
- (2) Nothing in this section or in any other provisions of this Part of this Decree shall prevent a person from holding any appointment referred to in subsection (1) of this section while he is undergoing training for the purpose of becoming qualified for registration under this Decree and the training is done under the supervision of persons who are registered in accordance with this Decree.
13. Any person, not being registered on any register maintained under or uses any name, title, description or symbol calculated to lead any person to infer that he is so registered or is a member of the profession, shall be guilty of an offence and liable on conviction for a first offence to a fine of not less than ₦100 nor more than ₦200 or to imprisonment for a term of six months or to both such fine and imprisonment, and on conviction for a second or any subsequent offence to imprisonment for a term of not less than one year nor more than three years. **Prohibition of falsely professing to be a registered person**

14. (1) Subject to the provisions of this Decree, a registered health records officer shall be entitled to recover his fees for professional services by action in any court of competent jurisdiction.
- (2) No fees shall be recoverable by legal proceedings in respect of any act pertaining to the profession of a registered person when performed by a person who is prohibited from performing such act.
15. (1) If any person for the purpose of procuring the registration of any name, qualification or other matter-
- (a) Makes a statement which he knows to be false in a material particular; or
- (b) Recklessly makes a statement which is false in a material particular, he shall be guilty of an offence.
- (2) If the Registrar or any other person employed by the Board, wilfully makes any falsification in any matter relating to any register maintained under this Decree he shall be guilty of an offence.
- (3) A person guilty of an offence under this section shall be liable-
- (a) On conviction in a court of inferior jurisdiction, to a fine not exceeding ₦100;
- (b) On conviction in a High Court, to a fine not exceeding ₦1,000 or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.
- (4) Where an offence under this Part of this Decree which has been committed by a body corporate is proved to have been committed with the connivance of or is attributable to any neglect on the part of any director, manager, secretary or other

Recovery of fees

Securing registration through fraudulent means

similar officer of the body corporate or any person purporting to act in any such capacity, he, as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

16. In any criminal proceedings against any person upon a charge of having performed an act which constitutes an offence if performed by an unregistered person, the person charged shall be deemed to be unregistered, unless he proves the contrary.

Burden of proof of registration

PART III *Training*

17. (1) Subject to subsection (2) of this section, the Board may approve for the purpose of section 7 of this Act-

Approval of courses

- (a) any course of training which is intended for persons seeking to become members of the profession under this Decree and which the Board considers is designed to confer on persons completing the training sufficient knowledge and skill for the practice of the profession;
- (b) any institution whether in Nigeria or elsewhere which the Board considers properly organised and equipped for conducting the whole or any part of the course of training approved by the Board under this section; and
- (c) any qualification which, as a result of examinations taken in conjunction with the course of training approved by the Board under this section, is granted to candidates reaching a standard at the examination indicating that they have sufficient knowledge and skill to practise the profession to which the qualification relates.

- (2) The Board shall, from time to time, publish in the *Federal Gazette* a list of qualifications relating to the profession approved by it for the purposes of subsection (1) of this section

- (3) The Board may, if it thinks fit, withdraw any approval given under this section in respect of any course, qualification or institution; but before withdrawing such approval the Board shall-
- (a) Give notice that it proposes to do so to persons in Nigeria appearing to the Board to be persons by whom the course is conducted or the qualification is granted or the institution is controlled, as the case may be;
 - (b) Afford each such person an opportunity of making representations to the Board with regard to the proposal; and
 - (c) Take into consideration any representations made as respects the proposal in pursuance of paragraph (b) of this subsection.
- (4) Any period during which approval of the Board under this section for a course, institution or qualification is withdrawn, the course or qualification shall not be treated as approved under this section; but the withdrawal of such an approval shall not prejudice the registration or eligibility for registration of any person who by virtue of the approval was registered immediately before the approval was withdrawn.
- (5) The giving or withdrawal of an approval under this section shall have effect from such date, after the execution of the instrument signifying the giving or withdrawal of the approval, as the Board may specify in that instrument and the Board shall-
- (a) Cause to be published a copy of every such instrument in the *Federal Gazette*; and
 - (b) Not later than seven days before its publication as aforesaid, send a copy of the instrument to the Minister.

18. (1) The Board shall keep itself informed of the instruction given at approved institutions to persons attending approved course of training; and the examinations as a result of which approved qualifications are granted.
- (2) For the purpose of performing the duty specified in subsection (1) of this section, the Board may appoint either from among its own members or otherwise, persons to visit approved institutions or attend such examinations.
- (3) A person appointed under this section shall report to the Board on-
- (a) The sufficiency of the instruction given to persons attending approved courses of training at the institution visited by him;
- (b) The sufficiency of examinations attended by him; and
- (c) Any other matter relating to the institution or examinations on which the Board may, either generally or in a particular case, request him to report, but no such person shall interfere with the giving of any instruction or the holding of any examination.
- (4) On receipt of a report in pursuance of this section, the Board shall as soon as may be send a copy of the report to the person appearing to the Board to be in charge of the institution or responsible for the examinations to which the report relates requesting that person to make representations to the Board within such time as may be specified in the request, not being more than one month beginning with the date of the request.

Supervision of instruction and examinations leading to approved qualification

19. (1) The Board may report to the Minister and seek his approval upon all matters relating to the professional and technical training and other qualifications required for admission to the profession under this Decree and the conditions of practice after registration.

Power of the Board to consider matters relating to training