

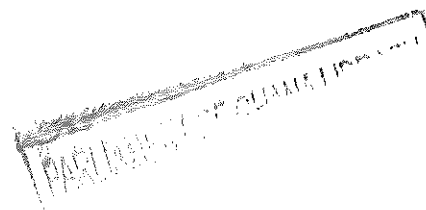
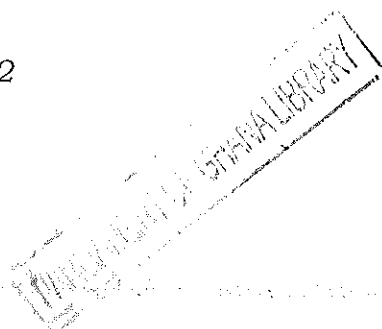
*IN THE FOUR SESSION OF THE FIFTH PARLAIMENT OF THE
FOURTH REPUBLIC OF GHANA*

**REPORT OF THE COMMITTEE ON
HEALTH**

ON

**THE HEALTH PROFESSIONS
REGULATORY BODIES BILL**

OCTOBER 2012



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REPORT OF THE COMMITTEE ON HEALTH ON THE HEALTH PROFESSIONS REGULATORY BODIES BILL

1.0 INTRODUCTION

In accordance with Article 103 of the 1992 Constitution of Ghana, the former Minister of Health, Hon. Joseph Yieleh-Chireh on 4TH March, 2011 laid before the House, the Health Professions Regulatory Bodies Bill. Pursuant to Article 106 of the Constitution and Standing Orders 125 and 178, Madam Speaker referred the bill to the Committee on Health, for consideration and report to the August House.

2.0 CONSIDERATION OF THE BILL

The Committee on Health as part of its mandate under Article 106 (4) of the Constitution of Ghana and Standing Orders 125 and 178 published in the media requests for written memoranda on the bill.

Those who submitted memoranda were provided the platform to elucidate on the proposals submitted to the Committee on the bill.

The Committee further held several meetings with stakeholders in the Health Sector to examine the bill in detail.

The Committee is grateful to the following for their inputs and support during the deliberations:

1. Deputy Minister for Health, Hon. Robert J. Mettle-Nunoo
2. The former Minister for Health, Hon. Joseph Yieleh Chireh
3. The Medical and Dental Council
4. The Pharmacy Council

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5. The Nurses and Midwives Council
 6. The Allied Health Task Force
 7. The Ghana Health Service
 8. The Psychologists Association of Ghana
 9. The Law and Development Associates
 10. Officials of the Ministry of Health and
 11. Officials from the Attorney-General's Department

3.0 REFERENCE DOCUMENTS

The Committee made reference to the following documents during deliberations on the Bill:

1. The 1992 Constitution of the Republic of Ghana
2. The Standing Orders of the Parliament of Ghana
3. Memoranda from the Public
4. The Health Professions Regulatory Bill

4.0 OBJECT OF THE BILL

The object of the bill is to establish Health Professions Regulatory Bodies for allied health professionals, doctors, dentists, nurses, midwives, pharmacists and psychologists.

The health regulatory bodies were originally established by the Medical and Dental Act, 1972 (NRCD 91), Nurses and Midwives Act (NRCD 117), the Pharmacy Act 1994 (Act 489). This bill however seeks to consolidate all the laws establishing these regulatory bodies into one enactment because they are similar in nature.

Other health regulatory bodies like the Allied Health Professionals Council and the Psychology Council who have not been regulated for years have also been added to the enactment.

The bill further seeks to enhance the performance of the regulatory bodies to make them more efficient. The Pharmacy Council was for instance established under the Pharmacy Act 1994 (Act 489) but the scope of the law did not cover pharmaceutical care providers like dispensing technologists and other pharmacy business in a comprehensive manner. This makes the Pharmacy Council ineffective to protect the public interest in the storage and distribution of drugs. The bill again provides the Pharmacy Council the capacity to sue, enter into contract, hold and dispose of property.

All the other councils established under this Act have been given similar powers to ensure that their capacities are enhanced to enable them perform better and serve the public efficiently.

6.0 PARTS OF THE BILL

The Bill is divided into five parts as follows:

- Part One - Establishes the Allied health Professions Council (Clauses 1 – 20)
- Part Two - Deals with the establishment of the Medical and Dental Council (Clauses 21 – 45)
- Part Three- It is on the creation on the Nurses and Midwifery Council (Clauses 46 – 66)
- Part Four- Contains provisions on the creation of the Pharmacy Council (Clauses 67 – 104)

Part Fives- Has administrative, financial and miscellaneous provisions for the health professions regulatory bodies (Clauses 105 – 121)

7.0 OBSERVATIONS AND RECOMMENDATIONS

7.1 PSYCHOLOGY COUNCIL

The Committee realised that the Bill does not make provision for the establishment of a psychology council to regulate the practice of psychologists in the country. Psychologists it was noted play very useful roles in the society by assisting people with various psychological problems. They however operate in hospitals, clinics, schools, industry, and in our communities without any legal backing. Due to this it has become difficult to ensure that practitioners operate according to prescribed standards. The practice is also plagued with charlatans who practice psychological services and extort moneys from unsuspecting client.

The Committee has therefore recommended the inclusion of a Psychology Council in the bill to ensure that the profession is regulated and right standards are maintained in the practice.

7.2 ALLIED HEALTH PROFESSIONS COUNCIL

The Committee again noted that although professions like physiotherapy, medical imaging technology, diet therapy, nutrition, occupational therapy speech therapy, optometry among others have been in operation in this country for so long, they have no legal backing. Currently they are regulated by an Allied Health Task Force established by a Ministerial Fiat. The passage of this bill will therefore ensure that the Allied Health Professions are properly regulated in terms of training, proficiency and conduct. The Committee is of the view that the council when established would

ensure that the quakes in the system are eliminated and the public would receive high quality service.

7.3 REGULATION OF OTHER HEALTH PROFESSIONS

The Bill makes provision for other health professionals like doctors, dentists, nurses, midwives and pharmacists. These professions are regulated by different enactments that are being reviewed due to current developments. The law governing operation of the Medical and Dental Council for instance does not provide for the inclusion of other health professions like physician assistants, nurse anesthetists and dental nurses as well as continuous education.

The nurses and midwives council regulates other nurses like Community health nurses and enrolled nurses while the Pharmacy Council regulates pharmaceutical care givers including dispensing technologists and technicians. Provisions have been made to regulate the new professions by law to help improve efficiency and effectiveness and also provide clarity in their function.

The Committee is pleased that the regulations governing all these professions have been put together in one enactment for easy reference as well as set standards for continuous education. The Committee is again of the view that the councils when established would ensure that the new professions are regulated efficiently and clarity of functions is established.

8.0 PROPOSED AMENDMENTS

The Committee proposed the following amendments to the Bill after careful consideration of its provisions:

1. Clause 2 - Amendments Proposed: line 1 delete
"in collaboration with any other regulatory
body"
2. Clause 3 - Amendment Proposed: paragraph (e) delete

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3. Clause 3 - Amendment Proposed: Insert the following new paragraphs:
“(l) determine and implement post-registration continuing education and continuing professional development programmes for practitioners
(m) ensure that the education and training of allied health practitioners and other allied health service providers are carried out at approved educational institutions for efficient allied health practice”
4. Clause 4 - Amendment Proposed: Sub-Clause (1) paragraph (b) after “nominated” delete “from a body recognised by the Minister’ and insert “by the relevant allied health professional bodies”
5. Clause 4 - Amendment Proposed: Sub-Clause (1) paragraph (b) delete “two” and insert “four”
6. Clause 4 - Amendment Proposed: Sub-Clause (4) paragraph (c) line 1 delete and insert “One representative of allied health professionals from a relevant allied health training institution nominated by the training institutions”
7. Clause 4 - Amendment Proposed: Sub-clause (1) paragraph (d) delete “Minister” and insert “Ministry”

8. Clause 5 - Amendment Proposed: Head note delete
And insert "Registration of Allied Health Professionals and other Allied Health care providers"
9. Clause 5 - Amendment Proposed: Sub-Clause (1) line 1
after "practitioner" insert "or allied health care provider" and do same where
"practitioner appears in the bill.
10. Clause 5 - Amendment Proposed: Sub-Clause (2)
Insert a new paragraph as follows: "The registration is valid for a period determined
by the Board"
11. Clause 6 - Amendment Proposed: Sub-Clause (1)
delete and insert the following:
"A person does not qualify to be registered as an allied health practitioner unless that
person;
(a) holds a degree in an allied health profession or
(b) has an equivalent qualification recognised by the Board that entitles that person to be registered as an allied health professional
(c) provides evidence of completion of an internship programme undertaken in accredited allied health facility after academic training in the country

(d) has passed the professional qualifying examination or other relevant qualifying modes and
(e) satisfies any other requirements determined by the Board”

12. Clause 6 - Amendment Proposed: Insert a new Sub-Clause as follows: “A person shall not be registered as an allied health practitioner unless the person fulfils the requirements determined by the Board”
13. Clause 15 - Amendment proposed: Sub-clause (1) line 1 after “shall” insert “on the directive of the Board”
14. Clause 15 - Amendment proposed: Insert a new paragraph as follows:
“(a) Who is dead or
(b)Whose registration has been cancelled”
15. Clause 23 - Amendment proposed: paragraph (d) delete “practitioner” and insert “Medical or Dental practitioners or Physician Assistants”.
16. Clause 24 - Amendment proposed: Sub-Clause (1) paragraph (a) after “practitioner” insert “of not less than 10 years standing”
17. Clause 24 - Amendment proposed: Insert a new paragraph as follows:
“One Physician Assistant elected by

Physician Assistants”

18. Clause 24 - Amendment proposed: Insert a new sub-clause 3 as follows:
“The Board shall ensure the proper and effective performance of the functions of the Council”
19. Clause 25 - Amendment proposed: Sub-clause (1) line 1 delete “medicine or dentistry” and insert “as a Medical or Dental Practitioner and Physician Assistant” and in line 2 delete “practitioner” and insert “a Medical or Dental Practitioner or Physician Assistant”
20. Clause 25 - Amendment proposed: Sub-clause (2) line 1 after “practitioner” insert “or a Physician Assistant”
21. Clause 26 - Amendment proposed: Sub-clause (4) line 1 delete “practitioner” and insert “as a Medical or Dental Practitioner or Physician Assistant”
22. Clause 27 - Amendment proposed: Head note after “Registration” delete “for” and insert “of”
23. Clause 27 - Amendment proposed: Sub-clause (1) paragraph (b) line 2 delete “two years” and after “officer” insert “or Physician Assistant as determined by the Board”

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24. Clause 27 - Amendment proposed: Sub-clause 2 delete “outside the country shall under go one year supervised training in an approved hospital or institution” and insert “or Physician Assistant internship outside the country and is fully registered and licensed by that country may be exempted from supervised training in an approved hospital or institution”
25. Clause 27 - Amendment proposed: Sub-clause 3 line 2 after “from” delete “housemanship and”
26. Clause 28 - Amendment proposed: Sub-clause (1) paragraphs (a)(b)(c) delete “practitioner” and insert “Medical or Dental Practitioners or Physician Assistants”.
27. Clause 28 - Amendment proposed: Sub-clause (1) paragraph (b) delete “practitioner” and insert “Medical or Dental Practitioners or Physician Assistants”.
28. Clause 28 - Amendment proposed: Sub-clause (1) paragraph (c) delete “practitioner” and insert “Medical or Dental Practitioners or Physician Assistants”.
29. Clause 28 - Amendment proposed: Sub-clause (3) Delete
30. Clause 29 - Amendment proposed: Sub-clause (2)

delete "practitioner" and insert "Medical or Dental Practitioners or Physician Assistants".

31. Clause 29 - Amendment proposed: Sub-clause (1) line 3 after "years" insert "upon special request".
32. Clause 29 - Amendment proposed: Sub-clause (3) line 1 delete "practitioner" and insert "Medical or Dental Practitioner or Physician Assistant".
33. Clause 29 - Amendment proposed: Sub-clause (3) line 2 delete "not more than two hundred and fifty" and insert "not less than five hundred penalty units and not more than five thousand penalty units" and in line 3 delete "one year" and insert "ten years".
34. Clause 31 - Amendment proposed: Sub-clause (1) line 3 after "housemanship" insert "or Physician Assistant internship".
35. Clause 31 - Amendment proposed: Sub-clause (3) line 1 delete "practitioner" and insert "Medical or Dental Practitioners or Physician Assistants on or".
36. Clause 32 - Amendment proposed: paragraph (a) line 2 delete "practitioner" and insert "Medical or Dental Practitioner or Physician Assistant".
37. Clause 32 - Amendment proposed: paragraph (c) line 1 delete "practitioner" and insert "Medical or

Dental Practitioner or Physician Assistant”

38. Clause 33 - Amendment proposed: Sub-clause (1) line 1 delete “practitioner” and insert “Medical or Dental Practitioner or Physician Assistant” and in line 3 after “where” insert “Medical or Dental Practitioner or Physician Assistant”.
39. Clause 33 - Amendment proposed: Sub-clause (1) paragraph (d) line 1 delete “practitioner” and insert “Medical or Dental Practitioner or Physician Assistant”.
40. Clause 37 - Amendment proposed: Headnote - delete and insert “Notice of change of name and address”.
41. Clause 41 - Amendment proposed: paragraph (a) line 2 after “practitioner” insert “ or Physician assistant”.
42. Clause 41 - Amendment proposed: paragraph (e) line 3 delete “ not more than five hundred penalty units” and insert “not less than thousand penalty units and not more than ten thousand penalty units” and in line 4 delete “two years” and insert “twenty years”.
43. Clause 49 - Amendment proposed: Sub-clause (1) paragraph (a) after “or midwife” and insert “of not less than 10 years standing”.

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44. Clause 49 - Amendment proposed: Sub-clause (1) paragraph (b) delete and insert "one representative of registered nurses nominated by the nurses professional associations".
45. Clause 49 - Amendment proposed: Sub-clause (1) paragraph (c) delete and insert "One registered mid-wife nominated by the professional associations"
46. Clause 49 - Amendment proposed: Sub-clause (1) paragraph (e) line 1 after "nursing" insert "midwifery" and after "from" delete "among themselves" and insert "nursing and midwifery schools"
47. Clause 49 - Amendment proposed: Sub-clause (1) paragraph (h) delete "One other person" and insert "two other persons".
48. Clause 49 - Amendment proposed: Insert the following new clause: "One representative of the security agencies who employ nurses and midwives"
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49. Clause 49 - Amendment proposed: Sub-clause (2) insert a new sub-clause as follows: "The Board shall ensure the proper and effective performance of its functions of the council"

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50. Clause 51 - Amendment proposed: Sub-clause (1) paragraph (b) after "licentiate" insert "or professional"
51. Clause 55 - Amendment proposed: Sub-clause (1) line 2 after "months" delete "and is renewable for another period of not more than three years" and insert " in a year and is renewable after a period of three years upon special request".
52. Clause 55 - Amendment proposed: Sub-clause (3) line 2 delete "of not more than two hundred and fifty penalty units or to a term of imprisonment of not more than one year or to both" and insert "of not less than two hundred and fifty penalty units and not more than two thousand five hundred penalty units or to a term of imprisonment of not more than four years or to both"
53. Clause 61 - Amendment proposed: Sub-clause (1) Line 2 delete "appeal" and insert "may make representation"
54. Clause 62 - Amendment proposed: Closing statement line (2) delete "five hundred penalty units or to a term of imprisonment of not more than two years or to both" and insert "not less than five hundred penalty unites and not more than five thousand penalty units"

or to a term of imprisonment of not more than ten years or to both”

55. Clause 69 - Amendment proposed: Paragraph (e) line 1 delete “pharmacy premises and other practices” and insert “pharmacy practices and”
56. Clause 69 - Amendment proposed: paragraph (g) line 1 after “Pharmacists” insert “Pharmacy Technician”.
57. Clause 70 - Amendment proposed: Sub-clause (1) paragraph (a) line 2 delete “fifteen” and insert “ten”.
58. Clause 70 - Amendment proposed: sub-clause (1) paragraph (c) line 2 delete “Minister” and insert “Institutions”
59. Clause 70 - Amendment proposed: Sub-clause (1) paragraph (d) line 1 delete “three” and insert “One”.
60. Clause 70 - Amendment proposed: Sub-clause (1) paragraph (d) line 1 delete all words after “pharmacist” and insert “elected by the registered pharmacists”.
61. Clause 70 - Amendment proposed: Sub-clause (1) paragraph (e) delete and insert “three other persons who are not health professionals one of whom is a woman and nominated by the Minister”.

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62. Clause 70 - Amendment proposed: Insert the following new sub-clause: " The Board shall ensure the proper and effective performance of the functions of the Council"
63. Clause 72 - Amendment proposed: Sub-clause (1) line 1 after "pharmacists" insert "pharmacy technician"
64. Clause 73 - Amendment proposed: Sub-clause (5)
Delete
65. Clause 75 - Amendment proposed: Head note after "Pharmacist" insert "Pharmacy Technician"
66. Clause 81 - Amendment proposed: Sub-clause (1) line 1 after "Pharmacist" insert "pharmacy technologist"
67. Clause 83 - Amendment proposed: delete
68. Clause 85 - Amendment proposed: Head note delete "Licensed" and insert "licensing of"
69. Clause 91 - Amendment proposed: Sub-clause (1) line 2 after "licensed" insert "pharmaceutical"
70. Clause 95 - Amendment proposed: line 1 delete "Administration" and insert "Authority and the Pharmacy Council"

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71. Clause 97 - Amendment proposed: paragraph (a) line 2 delete "the license of premises" and insert "pharmaceutical company".
72. Clause 98 - Amendment proposed: Sub-clause (5) line 4 after "pharmacist" insert "pharmacy technologist".
73. Clause 98 - Amendment proposed: Sub-clause (6) line 1 delete "and devices".
74. Clause 99 - Amendment proposed: Sub-clause (1) line 3 delete "or where the premises are unlicensed"
75. Clause 100- Amendment proposed: Sub-clause (1) paragraph (a) line 2 after "pharmacist" insert "Pharmacy technician".
76. Clause 100- Amendment proposed: Closing statement, line 2 delete "five hundred" and insert "two hundred and fifty or not more than five thousand " and in line 3 delete "two" and insert "ten".
77. Clause 105- Amendment proposed: sub-clause (1) paragraph (c) line 1 before "nurse" insert "registered".
78. Regulations- Amendment proposed: Insert the following new paragraphs:

(j)Tariff of fees payable to a Pharmacist in respect of professional services, medicines and other articles supplied.

(k)To prescribe the scope of practice of the various categories of persons registered under this Part

79. Interpretation- Amendment proposed: "Pharmacy technician" means "A person who holds a higher national diploma qualification in dispensing technology obtained in Ghana or its equivalent and is registered under this Part.
80. Clause 110- Amendment proposed: Sub-Clause (5) line 2 delete "Except that the disciplinary committee shall be chaired by the representative of the Attorney-General's Department on the Board"
81. Clause 121- Amendment proposed: Interpretation – Add "Psychology Council and Psychology Board".
82. Schedule - Amendment proposed:
Schedule (1) delete "Medical Laboratory Science" and insert "Biomedical Laboratory Scientist"

Schedule (2) delete

Schedule (3) line 1 delete "Radiation" and insert "Imaging"

Schedule (4) line 1 after "Dietherapy" insert "and nutrition"

Schedule (5) delete

Schedule (8) delete "Nutritionists and Nutrition Technical Officers" and insert "medical physicist"

Schedule (10) delete

Schedule (13) add "Optical Technician and Optical dispensing technician"

83. New Clause -

Amendment Proposed: Insert the following new clause:

Register of Allied Health Practitioners and other Allied Health Care Providers

(1)The registrar shall record in the Register the name of a person registered to practice as an Allied Health Practitioner or an Allied Health Care Provider.

(2)The Registrar shall register and maintain registers for;

(a)Allied Health Practitioners

(b)Allied Health Interns

(c)Allied Health Technicians

(d)Other Allied Health Service Providers

(e)Registered Allied Health companies which sells or supply allied health goods and

(f)Any other allied health products provider as determined by the Board

(3)The form and nature of the register shall be determined by the Board

84. New Clause -

Amendment Proposed: Insert the following new clause:

“Registration of other allied health service providers

(1)A person shall not practice as an allied health care provider unless that person is registered as an allied health care provider in accordance with this Part

(2)A person seeking registration shall apply to the Registrar in the manner determined by the Board

(3)The registration is valid for the period determined by the Board”

85. New Clause -

Amendment Proposed: Insert the following new clause:

“Registration of nurse assistants

(1)A person shall not practice as a nurse assistant unless that person is registered in accordance with this Part

(4)A person seeking registration shall apply to the Registrar in the manner determined by the Board

(5)The registration is valid for the period determined by the Board”

86. New Clause - Amendment Proposed: Insert the following new clause:
“Supervision of an allied health facility
A person shall not open or permit any other person to open premises to the public under the description of an allied health facility or allied health care point or any other similar description unless a senior registered allied health practitioner is on the premise to supervise such services”

87. New Clause - Amendment proposed: Insert the following new clauses for Parts One and Three;
“Entry of Premises
A person authorized by the Board may enter premises at a reasonable time
(a)to inspect the registration of an allied health facility or allied health care point
(b) if that person has reasonable cause to believe that an offence with respect to this Part has been, or is about to be or is being committed on the premises.

“Investigation by Inspector

(1)The Inspector may
(a)require a person on the premises to furnish information in the possession of the person concerning the activities

carried on the premises and the people who carry out the activities,

(b) inspect the premises and articles found on the premises, and

(c) take away materials or articles found on the premises

(2) The Inspector shall tender reasonable payment for a material or article taken away under this section.

(3) Despite subsection (2)

(a) payment shall not be tendered for materials or articles if the inspector reasonably suspects that the material or article is unfit for its purpose due to deterioration, impurity, adulteration or other defect;

(b) if the materials or articles is found to be fit, reasonable payment shall be tendered by the inspector for the portion of the material or article that is not returned to its owner in good condition; and

(c) payment shall not be tendered for a materials or articles if the inspector anticipates that proceedings for an offence under this Part may be brought in respect of the materials or articles.

(4) The inspector shall tender reasonable payment for the portion of the materials or articles that have been returned to the owner in good condition where

proceedings are not commenced within six months.

- (5) Where materials or articles are taken under this section, an inventory of the materials or articles shall be made and shall be signed by the senior allied health care professional or an allied health care provider and the inspector and a copy of the inventory shall be given to the senior allied health care professional or an allied health care provider.
- (6) The inspector shall seize the materials or articles that constitute an immanent danger to the public health or welfare.
- (7) An inspector exercising any power conferred by this part shall produce on demand a duly authenticated document which shows that the inspector has the authority to exercise the power."

"Power of closure

- (1) An inspector may close premises that use restricted materials or articles where there are grounds to believe that a health hazard may exist on the premises.
- (2) The closure of the premises shall be made with the assistance of the police but where this is not possible, the closure shall be reported to the police within twenty four hours after the closure.

(3)The order in respect of the health hazard may have conditions attached as determined by the Board.”

Notice of Change of name

“A registered practitioner shall notify the Registrar of a change in name or address within thirty days “

88. New Part - Amendment proposed: Insert the following new part:

PART FIVE - PSYCHOLOGY COUNCIL

Establishment of the Council

Establishment of the Psychology Council

1. (1) There is established by this Act a body corporate with perpetual succession to be known as the Psychology Council.

(2)Where there is hindrance to the acquisition of property, the property may be acquired for the Council under the State Property and Contracts Act, 1960 (C.A.6) or the State Lands Act, 1962 (Act 125) and the costs shall be borne by the Council.

Object of the Council

2. The object of the Council is to secure in the public interest the highest standards in the training and practice of psychology.

Functions of the Council

3. To achieve the object, the Council shall

- (a) assess facilities and content of programmes for the training of psychologists and paraprofessionals;
- (b) ensure that the pre-registration training of newly qualified psychologists and paraprofessional in accredited training institutions meets the required standards;
- (c) conduct examinations for the registration of foreign trained psychologists and paraprofessionals;
- (d) conduct examinations for the registration of locally trained psychologists and paraprofessional who do not meet the prescribed conditions for registration;
- (e) compile and keep registers of registered practitioners (professionals and paraprofessionals)
- (f) prescribe and enforce professional standards and conduct for practitioners;
- (g) exercises disciplinary power over professionals and paraprofessionals
- (h) perform any other functions that are ancillary to the objects of the Council.

Governing body of the Council

4. (1) The governing body of the Council is a Council consisting of
- (a) a chairperson who is a registered psychologist of not less than fifteen years standing as a psychologist,
 - (b) two registered psychologists representing health facilities and industry elected by the practitioners;
 - (c) one representative of an accredited training institution that provides tertiary training for psychologists, who shall be a practitioner and who shall be nominated by the Minister,
 - (d) one registered paraprofessional who has worked for not less than fifteen years as a paraprofessional;
 - (e) one representative of the Attorney-General's Department, not below the level of Principal State Attorney;
 - (f) one representative of the Ministry of Health not below the rank of director;
 - (g) one person who is not a psychologist nominated by the Minister
 - (h) the Registrar of the Council.
- 2) The members of the Council shall be appointed by the President in accordance with article 70 of the Constitution.

Registration

Registration procedure

5. (1) A person shall not practice as a psychologist, assistant psychologist or provide psychological services unless that person is registered as a practitioner in accordance with this Part.

(2) A person who seeks to be registered as a psychologist or paraprofessional shall apply to the Registrar in the manner determined by the Council, and

(a) Submit to the Registrar a qualifying certificate and any other document that the Registrar may require.

(b) The registration shall be valid for the period determined by the Council.

Qualification for registration

6. (1) A person does not qualify to be registered as a psychologist unless that person

(a) Holds a primary qualification in psychology from an accredited Psychology programme or from an institution recognised by the Council.

(b) Passes or is exempted from the prescribed examination conducted by the Council.

(2) A person shall not be a psychologist assistant unless that person holds a first degree in psychology, social work or sociology from a recognised institution.

(3) A person shall not be registered as a paraprofessional unless that person fulfils the requirements determined by the Council.

(4) A person registered by the Council shall pay the prescribed fee.

(5) The registration shall be valid for the period determined by the Council.

Registration for foreign trained professionals

7. (1) A foreign trained psychologist who has obtained a primary qualification, and passed or is exempted from the prescribed

examination, shall undergo one year training as an intern in an approved hospital or institution in this country with provisional registration before being registered under this Part.

(2) The Council may exempt foreign trained psychologists from internship/practicum, supervised training and or is exempted from the prescribed examination if the person shows evidence of sensitivity to Ghanaian culture.

(3) Despite subsection (1) a foreign trained professional who renders service only for the staff of a foreign embassy or diplomatic mission is exempt from registration under this Part.

Types of registers

8. (1) The Council shall have three categories of registers for the registration namely,

(a) A permanent register for professional, who intend to practice permanently in the country,

(b) a temporary register for practitioners who intend to practice for a period of not more than three months, and

(c) a provisional register for newly qualified and foreign trained practitioners who have passed the prescribed examination.

(2) The Registrar shall keep all the registers.

(3) The Registrar shall maintain a registers of paraprofessionals.

(4) The form and nature of the register referred to in subsection

(10) shall be determined by the Council.

Temporary registration

9. (1) A temporary registration is valid for a period of not more than three months and is renewable yearly for not more than a period of three years.

(2) A practitioner on a temporary register shall not provide psychological services except in an approved hospital or institution.

(3) A practitioner who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or to a term of imprisonment of not more than one year or to both.

Provisional registration

10. (1) A provisional registration shall be valid for the period determined by the Council.

(2) A person seeking to be registered provisionally shall, except as otherwise provided under this Part, pass the prescribed examination and satisfy other conditions determined by the Council.

(3) A person registered provisionally shall practice only in a hospital or an institution approved by the Council.

Permanent registration

11. (1) A person may apply to the Registrar for permanent registration after practicing with a provisional registration for a period determined by the Council and after successfully completing internship/practicum

(2) A permanent registration is valid for the calendar year in which it was made.

(3) The registration shall be renewed by the practitioner before the 31st December for the following calendar year.

Suspension of registration

12. The Council may suspend the registration of a psychologists where:

- (a) An offence or allegation of misconduct in relation to the practitioner is being investigated;
- (b) A false declaration has been made in an application for registration under this Part; or
- (c) The practitioner has contravened a provision of this Part.

Cancellation of registration

13. The Council shall cancel the registration of a practitioner on the recommendation of a disciplinary committee of the Council where the practitioner

- (a) is convicted of an offence under this Part or the Regulations;
- (b) has lost the qualification on the basis of which the registration was made;
- (c) is sentenced to a term of imprisonment for a criminal offence; or
- (d) when a practitioner fails to comply with the penalty imposed by the Council after due process.

Representation to the Council and Appeal

14. (1) A practitioner whose application for registration is refused by the Registrar may appeal against the refusal to the Council.

(2) Registration shall not be suspended unless the Council has given the practitioner at least thirty days notice of its intention to suspend the registration and has provided the practitioner with an opportunity to make a representation to the Council.

(3) Registration shall not be cancelled unless the Council has given the practitioner at least thirty days notice of its intention to cancel the registration.

(4) A person dissatisfied with a decision of the Council may appeal to the High Court.

Annual list of registered professionals

15. The Registrar shall publish the list of registered psychologists and paraprofessionals annually in the *Gazette* by the 31st January each year.

Removal and restoration of names from register

16. (1) The Registrar shall on the recommendations of the Council remove from the register the name of a person

- (a) who is dead,
- (b) who has been found guilty of professional misconduct by the Disciplinary Committee, and
- (c) who has not paid the prescribed fee.

(2) The name of a person may be restored to the register by the Registrar as directed by the Council.

Notification of change of name and address

17. A registered practitioner shall notify the Registrar in writing of a change in name or address within thirty days.

Insertion in register of additional qualifications

18. A practitioner who has obtained a higher degree or additional qualification recognised by the Council, is entitled to have the higher degree or additional qualification inserted in the register in addition to the qualification previously registered, upon payment of a fee determined by the Council.

Rights conferred by registration

19. A psychologist, except an intern registered under this Part, may
- (a) Provide psychological services;
 - (b) Provide psychometric assessment
 - (c) subject to the provisions of any enactment may not prescribe and store psychotropic medicines unless she/he has the requisite qualification, and license and
 - (d) Sign a certificate or document required by law.

Unregistered professional /practitioner

20. (1) A person who is not registered as a psychologist or paraprofessional may not provide any form of psychological services,
21. A person who acts contrary to subsection (1) commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than two years or to both.

Licensing

Licensing of premises

22. (1) A person, a body corporate or a government institution shall not provide psychological services unless the premises are licensed in accordance with this Part

(2) Applicant who seeks to license premises for psychological services shall apply to the Registrar in the manner determined by the Council.

(3) The license for premises may be general or limited and is valid for the period determined by the Council.

(4) The Council may revoke a license if satisfied that the physical conditions of the premises have ceased to be suitable for the provision of psychological services.

(5) Paraprofessionals shall not be registered to practice as independent practitioners unless that person works under the supervision of a registered psychologist.

Licensing of corporate bodies

23. (1) The Council may grant a licence to a person, a body corporate or a government institution if satisfied that the

(a) applicants are registered psychologists and fit to provide psychological services, and

(b) Applicants' business is carried on under the supervision of a psychologist who has practiced for five years.

(2) The Council may revoke the license granted under subsection (1) where a condition specified in the license has not been complied with.

Miscellaneous provisions

Entry into premises

24. A person authorised by the Board may enter into premises at a reasonable time
- (a) to inspect the registration of a psychologist, psychological services provider or the license of premises,
 - (b) if that person has reasonable cause to believe that an offence with respect to this Part has been, or is about to be or is being committed on the premises.

25. Investigation by inspector

(1) An Inspector

- (a) may require a person on the premises to furnish information in the person's possession concerning the activities carried on the premises and the people who carry out the activities,
- (b) may inspect the premises and articles found on the premises,
- (c) exercise any power conferred by this Part shall produce on demand a duly authenticated document which shows that the inspector has the authority to inspect the premises.

26. Power of closure

- (1) An inspector shall have the power of the Board to close the premises that does not meet the prescribed standards.

(2) The closure of the premises shall be made with the assistance of the police but where this is not possible, the closure shall be reported to the police within twenty four hours after closure.

(3) The order in respect of the health hazard may have conditions attached determined by the Board.

Offences

26 (1) A person who

(b) makes a false declaration in an application for registration as a psychologist;

(c) does not have the requisite qualification to practice as a psychologist and knowingly represents that s/he has such qualification;

(d) willfully and falsely uses any name, title such as "Dr." or addition implying a qualification to practice as a psychologist;

(e) employs a non-registered practitioner;

(f) without being registered under this Part;

(i) practices or professes to practice psychology; or

(j) receives payment to provide psychological services; or contravenes any of the provisions of this Act,

(f) Willfully destroys or damages a register kept under this Part,

commits an offence and is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than five thousand penalty units or to a term of imprisonment of not more than ten years or to both; and in the case of a continuing offence to a further fine of ten penalty units for each day during which the offence

continues after written notice has been served on the offender by the Council.

Regulations

27(1) The Minister may, on the advice of the Council, by legislative instrument, make Regulations to

- (a) Prescribe the form of notices and any other documents required to be issued under this Part;
- (b) Prescribe the conditions for registration of practitioners;
- (c) Prescribe practice standards for practitioners;
- (d) Provide for the discipline of practitioners;
- (e) Prescribe the fees to be paid under this Part;
- (f) Provide for the education and examination of practitioners; and
- (g) Provide for any other matters necessary for the effective implementation of the provisions of this Part.

Interpretation

28. In this Part, unless the context otherwise requires,

“approved hospital or institution” means a psychiatric or a general hospital/clinic or institution approved by the Council;

“Council” means the Psychologists Council;

“Facilities” includes physical structures, equipment and the human

“Fields of Psychology” includes Clinical, Cognitive, Community, Counselling, Consumer, Developmental, Educational, Environmental, Experimental, Health, Industrial and Organizational, Measurement

and Evaluation, Neuropsychology, Psychometrics, School, Social, Special Education and Sports.

“intern” means a practitioner who is doing internship;

“internship/practicum” means a period of training in an approved hospital or institution by a practitioner who has completed basic applied psychology training in a recognised institution or university;

“Minister” means the Minister responsible for health;

“Psychologist” means a person who has a certificate in pastoral counselling, career counselling, guidance and counselling, family counselling, marriage and relationship counsellors and other lay counsellors among others

“practice” means the profession of applied psychology;

“practitioner” means a clinical, health, counselling and community psychologists registered to practise under this Part with qualifications recognized by the Council;

“pre-registration training” means internship;

“primary qualification” means a first degree in psychology, social work or sociology from a recognised institution.

“Psychologist” is a person who holds at least a primary qualification of Ph.D. / Psych. D. or an M. Phil./MA/MS in psychology from an accredited Psychology programme or from an institution recognised by the Council.

“Psychologist Assistants” means a person who holds a bachelor’s degree in psychology, or social work, or sociology from a recognized institution

“qualifying examination” means an examination which a psychology student is required to pass in order to obtain a primary qualification;

“Registered/Licensed Psychologist” means a person whose name is on the Register of Psychologists and whose registration is not suspended or cancelled.

“Regulations” means the Regulations made under this Part;

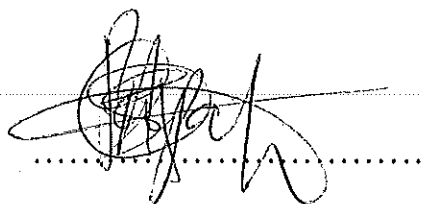
“training institutions” means accredited psychology school, university or postgraduate college or department of a university;

Psychological Services” means services provided by qualified Psychologists in the form of counselling, consultancy, therapy, research, education, social interventions, psychometric assessment and expert witnessing.

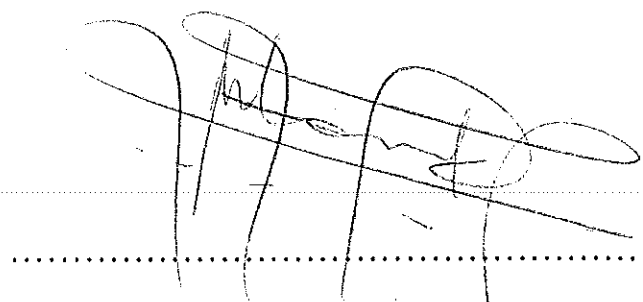
9.0 CONCLUSION

It is essential that all health professions are regulated to ensure efficiency and sanity in their practice. It is also necessary that these professionals obtain continuous education to make them efficient in providing service to the people. In this regard, the Committee recommends to the House the adoption of its report and the passage of the bill into law.

Respectfully submitted



**ANITA QUARTEY-PAPAFIO
CLERK**



**HON. MOHAMMED MUBARAK MUNTAKA
CHAIRMAN**