

NATIONAL HEALTH ACT IN BRIEF THE ROLES OF THE GOVERNMENT

PREAMBLE

The highest attainable standard of health is one of the fundamental rights of every human being. The Nigeria Constitution recognises this fact and makes provisions to promote family health and ensure adequate medical and health facilities for all citizens. However, the constitutional provision and other stand-alone laws enacted to address specific aspects of the health sector do not provide explicit guidance to effectively regulate the sector.

The National Health Act (2014) therefore provides the framework for the regulation, development and management of the national health systems and sets standards for rendering health services in the Federation - at federal, state, local, private, and community levels, including the provision of traditional and alternative medicines, and all other matters related to health in Nigeria.

The National Health Act, also known as the “Health Law,” sets out some of the following roles and responsibilities of governments:

- The National Council on Health is required to coordinate health services rendered by the Federal, State, Local Government, and Private Healthcare Providers and to establish a comprehensive national health system.
- The Federal Ministry of Health is required to set up a National Consultative Health Forum for the purpose of implementing the new National Health Law.
- The Health Law requires the Federal Ministry of Health to prepare plans for health development, and to also ensure the preparation and presentation of an annual report of the health of Nigerians and the performance of the health sector to the President and the National Assembly.
- The State Commissioners of Health are required to publish annual reports on the health of the citizenry and the health system in their respective states.
- The Health Law requires a person, entity, government or organization to obtain a Certificate of Standards in order to establish, construct, modify or acquire a health establishment, health agency or health technology, increase the number of beds in a facility, or acquire prescribed health

technology. Operating a health establishment without a Certificate of Standards is a punishable offence.

- Health services are classified as essential services and the Minister of Health is required to apply all reasonable measures to ensure return to normalcy after any disruption within 14 days.
- The Health Law provides for the representation of Health Professional Associations and Trade Unions in key structures of the national health system.
- The law mandates the Minister, Commissioner of Health or any other appropriate authority to establish a procedure for the laying of complaints within the areas of the national health system for which the Federal or State Ministry is responsible.
- The Health Law has established the Basic Health Care Provision Fund to finance the basic health care package entitlement by all Nigerians. The Basic Health Care Provision Fund is to be financed from the FG annual grant of not less than one per cent (1%) of consolidated revenue, in addition to grants from international donor partners and any other money from other sources as mandated by the Act.
- The Minister of Health is to ensure the creation of a comprehensive National Health Information Management System and to prescribe data for collection at every level of the health system.
- The Health Law mandates the development of efficient human resources for the Nigerian health system, through appropriate policies and guidelines for training and distribution of health workers.
- The Law forbids all public officers from receiving medical check-ups, investigation or treatment abroad at public expense, except in exceptional cases as approved by a medical board and the Minister or Commissioner of Health.
- It is now a punishable offence (carrying a fine of N 100,000 or six months imprisonment) for medical establishments to refuse emergency medical treatment for any reason.

- The Federal and State Ministries of Health plus Local Government Areas (LGA) Health Authorities and every private health care provider are required to ensure that appropriate, adequate and comprehensive information is displayed at their facilities on the type of health services they provide, their opening hours and timetables of visits, procedures for laying complaints; and the rights and duties of users and health care providers.
- The National Council on Health is to ensure the widest possible catchments for the health insurance scheme throughout the country.
- The Minister of Health, in consultation with the National Council on Health, is empowered to make regulations with regard on any matter, which is reasonably necessary or expedient to the implementation of the National Health Law.

ABOUT HERFON:

The Health Reform Foundation of Nigeria (HERFON) is a nonprofit, non-governmental organization developed by a group of reform minded Nigerians who have come together in response to the deplorable health system and health status of Nigeria. The foundation aims to support and help to sustain the Health Reform Agenda in the country. It strives to support the government to achieve its health sector reform objectives. HERFON's main areas of focus are: health systems, immunization, and HIV/AIDS.

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ABOUT CHAMPIONS FOR CHANGE:

Champions for Change (C4C) invests in visionary local leaders and organizations to sustainably improve health outcomes for women, children and youth in Sub-Saharan Africa. C4C achieves large-scale impacts through advocacy, leadership development, organizational strengthening, and grant making. In Nigeria, C4C's national network is advocating for improved reproductive, maternal, newborn, child, and adolescent Health (RMNCAH). In Kenya, C4C works to prevent and combat Non-Communicable Diseases (NCDs) among young people through locally-led advocacy.

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