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A QUICK GLANCE AT

THE NATIONAL COMMISSION FOR ALLIED AND HEALTHCARE PROFESSIONS ACT 2021 FOR MENTAL HEALTH PROFESSIONS

Introduced by Minister of Health and Family Welfare, Mr. Harsh Vardhan on 15th September 2020, The National Commission for Allied and Healthcare Professions Act 2021 seeks to regulate and standardise education and practice of allied and healthcare professionals. It was passed in Rajya Sabha on 16th March'21 and 24th March'21 in Lok Sabha. On 28th March 2021, the President of India gave approval to make the bill an Act.

FREQUENTLY ASKED QUESTIONS

Q1. Which psychology professions are included in this Act?

A1. Under the category of Behavioural Health Sciences Professionals, the Act recognises the following titles:

1. Psychologist (except for clinical psychologists)
2. Behavioural Analyst
3. Integrated Behavioural Health Counsellor
4. Health Educator and Counsellors, including Disease Counsellors, Diabetes Educator, Lactation Consultants
5. Social Workers including Clinical Social Worker, Psychiatric Social Worker, Medical Social Worker
6. Human Immunodeficiency Virus (HIV) Counsellors or Family Planning Counsellors
7. Mental Health Support Workers

Other Care Professionals include:

1. Movement Therapist (including Art, Dance and Movement Therapist or Recreational Therapist)



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Q2. Why is mental health categorised as behavioural health science?

A2. According to the Act, "Behavioural health is the preferred term to mental health" and therefore, categorised as such.

Q3. Why are clinical psychologists excluded from this Act?

A3. Practice of clinical psychologists is regulated by an already existing body, The Rehabilitation Council of India and therefore they are excluded from this Act.

Q4. How can a professional register themselves under this Act and who would be the licensing authorities?

A4. A person with recognized allied and healthcare qualifications can register themselves with the respective State Allied and Healthcare Council or the National Commission, which would serve as licensing authorities. They will maintain the State Register and the Central Register, respectively. After registering with the State Council, the registered professionals' names will automatically be entered in the Central Register, enabling them to practice all over the country. Moreover, as per Section 38 of the Act, those professionals who are already offering their services can apply for provisional registration as per the regulations to be specified.

Q5. What is the difference between state license and national license?

A5. The State Council is the primary registration body. After the professionals are registered with the State Council, their names will be entered in the National Register as well, enabling them to practice all over the country.

Q6. Does the license need to be renewed every few years?

A6. As per the Section 33(4), the certificate of registration of an allied and healthcare professional shall be valid for a period of five years and will require to be renewed thereafter.



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Q7. Are distance education degrees eligible for licensure?

A7. No, distance education degrees are not eligible for licensure. Only regular learning mode degrees are recognized.

Q8. If someone has obtained one degree through distance mode and another one in a regular manner – for instance, a master's in psychology via distance mode and an MPhil in Counseling Psychology via regular mode – would they be able to register?

A8. The Act does not have a stated answer to this question. Most likely, the answer is no, but we should wait for the rules and regulations for clarity.

Q9. Are minimum 3,600 hours supposed to be covered in one degree or multiple degrees?

A9. From the language of the Act, it appears that they would need to be covered in one degree spanning 3 to 6 years at undergraduate level. However, since psychologists usually obtain bachelor's and master's degrees, the calculation of 3,600 hours over multiple degrees would most likely be allowed.

Q10. How many hours of supervised training is required for licensure? What will happen to students who completed their Master's during COVID?

A10. The Act has not outlined the exact number of supervised training hours required for licensure as of now.

Q11. Can I call myself a psychologist after my master's degree?

A11. Yes, if a master's degree becomes the recognized qualification under the rules to be framed, you can use Psychologist as your title after obtaining master's degree in psychology and registering with a State Council.



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Q12. Was the Counsellor Council of India the previous licensing body?

A12. No, Counsellor Council of India did not provide any licensure for counseling psychologists. CCI is an association of counsellors whose primary aim is to work for advancement of the counselling profession.

Q13. Would there be uniform entrance and exit/licensing examinations?

A13. Yes, the Act provides for uniform entrance and exit/licensing examinations, which would standardize the process of admissions and licensing across India.

Q14. Would the degrees obtained abroad be recognized?

A14. Yes, as per Section 39(1), "any corresponding qualification granted by the institutions outside India shall be the recognised allied and healthcare qualifications as may be specified by regulations."

Q15. Is RCI the licensing body for counseling psychologists?

A15. No, it is not. RCI is the licensing body for clinical psychologists.

Q16. How will the Act impact higher education in psychology?

A16. One of the functions of the National Commission is providing "basic standards of education, courses, curricula, physical and instructional facilities, staff pattern, staff qualifications, quality instructions, assessment, examination, training, research, continuing professional education, maximum tuition fee payable in respect of various categories, proportionate distribution of seats and promote innovations." It is expected that teaching and research would receive a major boost, with particular emphasis on learning practical skills. The lack of availability of supervision is a major issue in psychology right now, which is expected to be solved as after the implementation of this law, it would be mandatory for the institutions to create facilities for providing supervision.



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Q17. Will this Act open up new job opportunities?

A17. For a proper implementation of the NCAHP Act, 2021, thousands of psychologists would be needed to be employed. However, that would require a large amount of budget for the mental health sector as well. If the government actually increases the expenditure on mental health, then thousands of new job opportunities would be created. Moreover, the registration and standardization would increase career prospects in the private sector also.

Q18. Will the universities need extra accreditation?

A18. Yes, the Act contains provisions for recognition of allied and healthcare institutions. These provisions include basic standards of education and necessary facilities in respect of staff, equipment, accommodation, training, and hospital. If an institution fails to maintain the minimum essential standards specified by the Commission, the State Council may issue a warning, impose fine, reduce intake or stop admissions and recommend to the Commission the withdrawal of recognition.

Q19. Does the Act contain any ethical standards to be maintained by psychologists?

A19. The regulation of the professional conduct, code of ethics and etiquette to be observed by the allied and healthcare professionals is one of the functions of the National Commission. The Allied and Healthcare Profession Ethics and Registration Board, under the State Council, shall be primarily responsible for regulation of the professional conduct and promotion of ethics.

Q20. What will happen if someone practices without a license?

A20. If someone uses the title or description of a profession mentioned in the NCAHP Act, 2021 without registration in the Central Register or a State Register, a fine of up to Rs 1 lakh may be imposed on first conviction. On subsequent conviction, there is provision of imprisonment up to 1 year and fine up to Rs 2 lakhs.



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Q21. What are the drawbacks of the NCAHP Act 2021?

A21. Well, as far as psychology is concerned, the problems with the NCAHP Act start from the name of the profession itself: Behavioural Health Sciences. The major drawbacks include the inadequate and incomplete definition of the professional category, absence of patient centric provisions like informed consent and advance directive, division of psychologists between multiple legislations and ministries, clubbing of other professions with behavioural health sciences category, lack of clarity on definitions and scope of individual professions, creation of an unnecessary and imaginary hierarchy between behavioural health sciences professionals and mental health professionals, no provision for degrees already obtained under distance learning mode, and acute under-representation of psychologists.

Q22. What is the relevance of discriminating between regular and distance mode degrees in covid times?

A22. Regular learning degrees where classes are conducted online will still be considered as regular learning and not distance learning.

Q23. How will the Act affect psychology professors?

A23. Professors who are also practicing as psychologists need to register with the state council as well. The Act doesn't affect professors involved only in academia.

Q24. What are the definitions of professional titles?

A24. The Act does not provide the definitions of professions. The Government of India has used International Labour Organization's International Standard Classification of Occupations - 08 (ISCO - 08) to identify and map the professions, and hence, it argued that "the ISCO document already includes the definition of each profession."



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About Ajay Gulzar: Ajay Gulzar is currently working as the Head of Research with a Member of Parliament and is a former Legislative Assistant to Member of Parliament (LAMP) Fellow. His scholarly interests lie at the intersection of law, public policy and psychology. In recent years, he has advocated for the formation of an independent, statutory National Psychology Council and therefore, has written articles critically evaluating the proposed legislation for allied and healthcare professions.

To bring more attention to mental health policy issues, Mr Gulzar runs a publication called www.psytizenship.com.

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