

## Contemporary Indian Legislations Pertaining to PSW and Its Implication

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### ABSTRACT

Since last couple of months seeing the apathy of the Indian PSWs (professional social workers or psychiatric social workers) and various social work associations towards the issues related to the new legislation and implication PSW practice. I was wondering whether anyone would be interested in this or not. But now at least some movement can be seen though direction and impact are still not very clear at least to me which has given me the courage to write on this issue though in my mind these issues were raising since the beginning when I entered in this profession.

**Keywords:** Psychiatric social work, Indian legislations, Allied and Healthcare Professions Bill

### BACKGROUND

Certainly, PSWs are a health care professional but getting overlooked by the contemporary trends in Indian legislations pertaining to PSW. The need for a statutory mechanism for enumeration, standardization, and regulation of these professions has been expressed by many experts.<sup>[1]</sup> The modern health-care delivery systems throughout the world establish regulatory mechanisms to acknowledge, regulate, and upgrade the qualifications of all kind of health-care professionals. However, Indian efforts with regards to the regulation of human resources in health present quite a gloomy picture. Even after 70 years of independence, India has not created a coherent human resource policy for health.<sup>[1]</sup> Health workforce in Indian health-care system has been defined with a focus limited to few cadres such as doctors, nurses, and pharmacists. Several other health-care professionals are the part and parcel of a modern medical establishment whose quality and competency of often play a major role in making the system sensitive and efficient have remained unidentified, unregulated and underutilized.<sup>[2]</sup> So the current progress in this regard is quite exciting if this opportunity can

be utilized effectively PSWs can meet their long-awaited unmet need of recognition as a health care professional by Indian legislation.

Contemporary trends of expansion in Indian legislations pertaining to Professional or Psychiatric Social Work has brought lots of opportunities to practice and expand in one hand and some challenges on the other.<sup>[3]</sup> Mental Healthcare Act 2017<sup>[4]</sup> and The Rights of Persons with Disabilities Act, 2016<sup>[5]</sup> has been already enacted. The Allied and Healthcare Professions Bill 2018<sup>[6]</sup> and The National Council of Professional Social Work Practitioners Bill, 2018<sup>[7]</sup> are on the pipeline.

### THE ALLIED AND HEALTHCARE PROFESSIONS BILL

"Health workforce in the Indian healthcare system has been defined with a focus limited to few cadres such as doctors, nurses and frontline workers, wherein, several other healthcare professionals have remained unidentified, unregulated and underutilized. The persistent demand for a regulatory framework to ensure appropriate regulation and standardization of such professions has been seen for several decades. In the last six years, over fifty allied and healthcare professions have been identified whose potential may be utilized in improving the access to care and all those professions are globally regulated professions."<sup>[5]</sup>

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A distinction has been made between "Allied Health Professionals" and "Healthcare Professionals". The former will work on patients only if referred to them by a medical doctor, nursing or any other healthcare professional. This professional as an associate, technician, or technologist trained to support the diagnosis and treatment of any illness, disease, injury, or impairment and work UNDER the medical doctors. He being a technician should obtain a diploma or degree, with a duration of at least 2,000 hours of study. The latter, the Healthcare Professionals, which includes a scientist, therapist, or any other professional who studies, advises, researches, or provides preventive, curative, rehabilitative, therapeutic, or promotional health services will have a Degree which should be obtained with a duration of at least 3,600 hours of study (two years) and be an INDEPENDENT PROFESSIONAL (not working under any medical doctor).<sup>[6]</sup>

The Allied and Healthcare Professions Bill, 2018 provides for regulation and maintenance of standards of education and services by allied & healthcare professionals besides maintenance of Central and state Register of such professionals, who lack a comprehensive regulatory mechanism including ensuring uniform entry and exit examinations.<sup>[6]</sup> It means everything will be regulated by this law.

### WHY TO BE INCLUDED

Once this Bill is passed and becomes law, I doubt the Government will entertain any health professionals demanding their own professional councils. So, if PSWs, (including working as therapists, counsellors etc.) want professional regulation and recognition, this is the last chance possibly. In earlier draft of the bill Clinical Social Work was a category even in the Allied and Health care Professional Database which was launched by Health Ministry on Jan 1 Clinical Social Work there.<sup>[8]</sup> So, we must lobby the Government directly or through representative organizations to be included in this Bill now otherwise PSWs will remain out to be a health care professional. It must be under the "Healthcare Professionals" under a separate category "Clinical Social Work" which is the contemporary nomenclature accepted across the globe for PSWs.

The recent Mental Health Care Act 2017 defines a Psychiatric Social Worker and, in another place in the Bill, recognizes him/her as a "Mental Health Professional" but it nowhere going to regulate education/training of Psychiatric Social

Worker unlike under RCI Clinical Psychology is being regulated. So like Clinical Psychology PSW must be regulated by some Act which takes care of regulates education/training.

### POINTS RAISED AGAINST INCLUSION

Generally, the bill is misunderstood by the prejudice that it is for allied health professionals which is not the truth. The major points raised against it is - the tone and tenor of the legislation seem to convey that this Bill is for those professionals who assist medical doctors and nurses. Are PSW assistants of the medical community? So, like the RCI Act, 1992, this Bill too is for other professions and instead of wanting to be included in it and getting third rate treatment from the Government, we should work to get out of AHCI and fight for an independent, statutory Social Work Council for which already bill is on tabled.<sup>[7]</sup> Like some group of Psychologist and Physiotherapists are demanding their separate councils.

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