



Number 16 of 2019

Health and Social Care Professionals (Amendment) Act 2019



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HEALTH AND SOCIAL CARE PROFESSIONALS (AMENDMENT) ACT 2019

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[No. 16.]

*Health and Social Care
Professionals (Amendment) Act 2019.*

[2019.]

ACTS REFERRED TO

Health Act 2004 (No. 42)

Health and Social Care Professionals Act 2005 (No. 27)



Number 16 of 2019

HEALTH AND SOCIAL CARE PROFESSIONALS (AMENDMENT) ACT 2019

An Act to amend the Health and Social Care Professionals Act 2005 to provide for the recognition of certain professional qualifications as approved qualifications within the meaning of section 38 of that Act; and to provide for related matters. [4th June, 2019]

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act, “Principal Act” means the Health and Social Care Professionals Act 2005.

Amendment of section 3 of Principal Act

2. Section 3 of the Principal Act is amended, in subsection (1), in the definition of “qualification”, in paragraph (a), by the substitution of “section 38(2)(a)” for “section 38”.

Amendment of section 38 of Principal Act

3. Section 38 of the Principal Act is amended—

(a) in subsection (2)—

- (i) in paragraph (c), by the substitution of the following subparagraph for subparagraph (ii):

“(ii) holds a professional qualification that is one that the registration board concerned decides is not a professional qualification that attests to such a standard of proficiency, but is the subject of a decision of the registration board that he or she successfully completed, in the State, the aptitude test or adaptation period that the registration board has required of the person,”

- (ii) in paragraph (d)(ii)(II), by the substitution of “that profession, or” for “that profession.”, and

- (iii) by the insertion of the following paragraph after paragraph (d):

“(e) in the case of a relevant designated profession, the person is a person, other than a person referred to in paragraph (a), (b), (c) or (d), who holds a relevant professional qualification in that profession.”,

(b) by the insertion of the following subsection after subsection (2F):

“(2G) A document that purports to be evidence of the recognition referred to in the definition of ‘relevant professional qualification’ shall, for the purposes of this Act and in the absence of evidence to the contrary, be taken to be proof of such recognition.”,

and

(c) in subsection (4), by the insertion of the following definitions:

“ ‘relevant designated profession’ means a designated profession listed in the second column of Schedule 4;

‘relevant person’, in relation to a relevant designated profession, means the person listed opposite that profession in the third column of Schedule 4;

‘relevant professional qualification’, in relation to a relevant designated profession, means a professional qualification that was recognised by the relevant person—

(a) as a professional qualification that attested to a standard of proficiency that rendered the holder thereof eligible for recruitment by the Health Service Executive (or any specified body within the meaning of section 56 of the Health Act 2004) in the profession to which that qualification relates, and

(b) in the case of—

(i) the relevant designated profession of dispensing optician or optometrist, either—

(I) before 31 October 2015, or

(II) on or after 31 October 2015 where an assessment for the purposes of such recognition was commenced by the relevant person before that date,

and

(ii) any other relevant designated profession, either—

(I) before the date on which the register for the designated profession was established under section 36(1), or

(II) on or after the date referred to in clause (I) where an assessment for the purposes of such recognition was commenced by the relevant person before that date.”.

Insertion of additional Schedule to Principal Act

4. The Principal Act is amended by the insertion of the following Schedule after Schedule 3:

“Schedule 4

Section 38

RELEVANT PROFESSIONAL QUALIFICATION: RELEVANT DESIGNATED PROFESSION AND RELEVANT PERSON

ITEM NO. (1)	RELEVANT DESIGNATED PROFESSION (2)	RELEVANT PERSON (3)
1.	Clinical Biochemist	Minister
2.	Dietitian	Minister
3.	Dispensing Optician	Opticians Board
4.	Medical Scientist	Minister, Academy of Medical Laboratory Science or Academy of Clinical Science and Laboratory Medicine
5.	Occupational Therapist	Minister
6.	Optometrist	Opticians Board
7.	Orthoptist	Minister
8.	Physiotherapist	Minister or Irish Society of Chartered Physiotherapists
9.	Podiatrist	Minister
10.	Psychologist	Minister
11.	Radiographer	Minister
12.	Radiation Therapist	Minister
13.	Social Worker	Minister, National Validation Body on Social Work Qualifications and Training or National Social Work Qualifications Board
14.	Speech and Language Therapist	Minister

Short title

5. This Act may be cited as the Health and Social Care Professionals (Amendment) Act 2019.