



**AN BILLE SLAINTE, 1954.
HEALTH BILL, 1954.**

EXPLANATORY MEMORANDUM.

1. The Health Act, 1953, provided that the various sections of the Act would come into operation on a date or dates to be fixed by Order made by the Minister for Health. By Orders made on 7th December, 1953, and 31st March, 1954, all the sections of the Act have already been brought into operation or will come into operation on future dates which have been fixed by the Orders.

2. Amongst the sections due to come into operation on 1st August next are Sections 14, 15, 16, 17, 18, 19, 20, 24 and 25. Under these sections, health authorities are obliged to provide services in accordance with regulations made by the Minister for Health. The services concerned are broadly:—

Section 14: General medical services at general practitioner level, medicines, and dental and ophthalmic services (but not hospital or maternity services), without charge, replacing similar services provided by public assistance authorities for the sick poor and for persons whose financial circumstances are such that they would be unable to provide these services for themselves or for their dependants.

Section 15: Hospital services, without charge for all the group entitled to services under Section 14; or at a charge not exceeding 6/- a day (at the discretion of the health authority) for persons and their dependants outside that group who are insured under the Social Welfare Act, 1952 or whose yearly means are less than £600 or who are farmers with valuations not exceeding £50; or at a charge which might be higher than 6/- a day for an additional group who would be unable to obtain such services for themselves or their dependants without undue hardship. Specialist services, without charge for all the persons included in the foregoing groups. In addition hospital and specialist services without charge for national school children in respect of defects discovered at school health examinations. These services are intended to supersede the corresponding services now provided free by public assistance authorities for the lower income group, by the Department of Social Welfare for certain insured persons (but not their dependants) and by health authorities for school children. Furthermore, certain additional groups become entitled to services, free or at less than the full economic charge.

Sections 16 and 17: Medical maternity care for mothers and their infants up to six weeks old, without charge, in respect of all the classes in Section 15 (except, of course, school children) and in respect of an additional group which could qualify by paying an annual contribution. These services are intended to supersede the maternity service provided by public assistance authorities for the lower income group and to provide new services for wider groups as well.

Section 18: Child welfare services, without charge, at clinics, etc., for children under school-going age. This service already operates in certain areas and the intention is that it be extended to other areas.

Section 19 : School health examination and treatment services, without charge, for children attending national schools. A similar service operates at present.

Section 20 : Dental and Ophthalmic service, generally without charge, for children in respect of defects discovered at clinics (Section 18) or school health examinations (Section 19). A similar service already operates.

Section 24 : Milk for certain expectant and nursing mothers and for children under 5 years of age. This applies only to the lower income group and is an extension of an existing service.

Section 25 : Subvention by health authorities towards hospital maintenance and treatment of persons eligible for services under Sections 15 and 16 of the Act who accept treatment in hospitals, etc., of their own choice. The subvention provided for is the amount which would be payable by the health authority for a patient sent by the health authority to a public ward in a corresponding hospital less 6/- a day; the health authority to have no liability for the balance of the hospital account. Certain persons insured under the Social Welfare Act, 1952, are already entitled to such choice of hospital and a similar subvention is payable except that there is no deduction of 6/- a day.

3. Regulations made by the Minister for Health on 15th May, 1954, determine the manner and the circumstances in which the foregoing services are to be provided on 1st August next.

4. The Government have now considered the position which will arise in regard to the provision on the due date of the services mentioned. They are of opinion that facilities exist, or can be made available, for the commencement on that date of the services provided for under Sections 14, 18, 19, 20 and 24 of the Act. Subject to minor amendments of the Regulations already made, these services, and the services provided for under Section 54 (Shelter and Maintenance in County Homes), Section 55 (Boarding out, etc., of Children) and Section 71 (Mental Treatment) will come into operation as contemplated.

5. In regard to the services provided for in Section 15 (Hospital and Specialist Services) and Sections 16 and 17 (Maternity and Infant Services), the Government are satisfied that in the absence of (1) the necessary agreements with the professions and hospitals concerned, (2) adequate financial provision and administrative arrangements on the part of many health authorities, and (3) necessary facilities otherwise (e.g., hospital and other institutional accommodation and specialist personnel), it will not be possible to bring into operation for the present all the services contemplated in the Sections for all the classes enumerated and that to attempt to do so on 1st August next, as provided in the Regulations, would cause confusion which would result in serious hardship for the classes—particularly the lower income group—already entitled to corresponding services. These are the classes least able to bear such hardship.

6. The view of the Government, following an independent examination of the problem, is confirmed by the following resolution passed by the representative National Health Council set up on 11st April, 1954, by the Minister for Health under Section 98 of the Health Act, 1947, as amended by Section 41 of the Health Act, 1953:

“The National Health Council, being particularly concerned for the legal rights of the poorer sections of the community and also being aware of the uncertain position regarding insured workers, who already enjoy most of the services envisaged by the Health Act, 1953, urge the Minister to take whatever steps are necessary to postpone the repeal of the Public Assistance Act and the operation of Part III

(exclusive of Section 23) of the recent Health Act until such time as may be essential to ensure that the proposed extension of the health services be initiated with a reasonable prospect of success."

Earlier resolutions passed by the Council regretted that the then Minister could not allow them more time to consider the draft regulations which he was proposing to make, and expressed grave doubts whether the facilities required for the operation of the Maternity and Child Health Services Regulations were available or could be made available at the date (1st August) of the coming into operation of these Regulations. The Council also protested against the action of the Minister in making the various regulations on the 15th May, 1954, before they had an opportunity to consider them adequately.

7. In their consideration of the modifications which must be made in order to ensure that on and after 1st August next there will be no deterioration in the quality or extent of services available for existing groups, the Government were concerned to ensure that there would be the least possible disturbance of the framework of the Health Acts, 1947 and 1953, including the integration of the medical services for poor persons and insured persons into the health code and the Health Bill, 1954 has been framed on that basis.

8. In regard to *Section 2 of the Bill*, as already mentioned, Section 15 of the Health Act, 1953 provides (in sub-section (1)) that, in accordance with regulations made by the Minister for Health, a health authority shall make hospital and specialist services available for the following persons and their dependants.

- (a) persons insured under the Social Welfare Act, 1953;
- (b) adult persons whose yearly means are less than £600;
- (c) adult farmers whose valuations do not exceed £50, and
- (d) "hardship" cases outside the foregoing categories.

Sections 16 and 17 of the Act, which relates to maternity and infant services, provides that, in accordance with regulations made by the Minister, a health authority shall make such services available for the foregoing persons and for an additional group, i.e. women who pay an annual contribution, or on whose behalf such contribution is paid. Section 22 of the Act authorises the Minister to make regulations as to the manner in which, and the extent to which, such services are to be made available but it does not authorise the making of regulations applicable to a particular class or sub-class within each of the entire groups covered by the Sections mentioned. Thus hospital or specialist benefits could not be made available under Section 15 solely for insured persons or a particular group of insured persons; or solely for persons in the lower income group, which consists of some insured persons, some others with yearly means under £600 and small farmers. Since, as explained in Paragraph 5 above, the Government are satisfied that it would not be possible to provide hospital and specialist services for the entire group covered by subsection (1) of the Section without hardship to the persons most needing the service, including the lower income group, it is necessary to take power to provide the service for particular classes within the entire group and to add to these classes from time to time as the necessary arrangements are made and the facilities are provided. This is being done in *Section 2* of the Bill.

9. It is intended that the classes which will be covered initially from 1st August next, for Hospital and Specialist services under Section 15, in addition to the school-children already mentioned, are—

- (1) the lower income group, covered for general medical services in Section 14 of the Health Act, 1953, and

- (2) the persons insured under the Social Welfare Act who would be entitled to such services under the Social Welfare (Treatment Benefits) Regulations, 1953, if these regulations remained in force, i.e., broadly, persons with 156 employment contributions to credit and who had 26 such contributions paid or credited in respect of the previous contribution year.

The class which will be covered initially, from 1st August next, under Section 16 and 17 for maternity and infant services is the lower income group. The classes which will be entitled to avail of Section 25 (hospital services in a hospital or home chosen by the patient) will automatically be correspondingly restricted.

10. *Sections 1 and 3 of the Bill* are intended to ensure that an insured person of the class at present entitled to free hospital treatment benefit will not (Section 1 of the Bill) have to pay the charge, up to 6/- a day, which a health authority would, but for the amendment, be entitled to make for a person outside the lower income group availing of hospital service under Section 15 of the Health Act, 1953, or (Section 3 of the Bill) have to meet the deduction of 6/- a day which the health authority would ordinarily make in fixing the subvention payable to a hospital or home when the patient entered a hospital or home of his choice under Section 25 of the Health Act, 1953.

An Roinn Sláinte,
Iúil, 1954.