



DÁIL ÉIREANN

AN BILLE UM GHAIMITHE SLÁINTE AGUS CÚRAIM SHÓISLAIGH 2004 HEALTH AND SOCIAL CARE PROFESSIONALS BILL 2004

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM GHAIRMITHE SLÁINTE AGUS CÚRAIM SHÓISLAIGH 2004 —ROGHCHOISTE

HEALTH AND SOCIAL CARE PROFESSIONALS BILL 2004 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 4

1. In page 9, subsection (1), line 3, to delete paragraph (a).
—An tAire Sláinte agus Leanaí.

2. In page 9, subsection (1)(a), line 3, after “chiropodist” to insert “and podiatrist”.
—Liz McManus.

3. In page 9, subsection (1), between lines 3 and 4, to insert the following:
“(b) chiropractor;”.
—Liz McManus.

4. In page 9, subsection (1)(g), line 9, after “physiotherapist”, to insert “or physical therapist”.
—Liam Twomey.

5. In page 9, subsection (1), between lines 9 and 10, to insert the following:
“(h) podiatrist;”.
—An tAire Sláinte agus Leanaí.

6. In page 9, subsection (2), line 17, after “(l),” to insert the following:
“and in particular shall, within the period of 12 months from the passing of this Act, so designate the profession of counsellor or therapist,”.
—Liz McManus.

[SECTION 6]

SECTION 6

7. In page 11, subsection (1), line 3, after “as” to insert the following:

“Comhairle um Ghairmithe Sláinte agus Cúraim Shóisialaigh or in the English language as”.

—Liz McManus.

SECTION 8

8. In page 11, subsection (2), between lines 33 and 34, to insert the following:

“(e) make professional awards at certificate level of qualifications for health and social care professionals,”.

—Liz McManus.

SECTION 9

9. In page 12, subsection (1), line 20, after “section” to insert the following:

“provided that the Minister shall take such steps and give such directions as are required to ensure that not less than 40 per cent of the members of the Council are men and not less than 40 per cent are women”.

—Liz McManus.

10. In page 13, subsection (4), line 3, to delete “may” and substitute “shall”.

—Liz McManus.

11. In page 13, subsection (6), line 10, to delete “in” where it secondly occurs.

—An tAire Sláinte agus Leanaí.

12. In page 13, subsection (6)(a), line 11, before “the” to insert “in”.

—An tAire Sláinte agus Leanaí.

13. In page 13, subsection (6)(b), line 12, before “the” where it firstly occurs to insert “in”.

—An tAire Sláinte agus Leanaí.

14. In page 13, subsection (6)(c), line 14, before “the” to insert “as a member of that profession, in”.

—An tAire Sláinte agus Leanaí.

[SECTION 10]

SECTION 10

15. In page 13, between lines 24 and 25, to insert the following subsection:

“(2) In addition to any allowances payable under *subsection (1)*, the chairperson may be paid by the Council, out of funds at its disposal, such remuneration for performing the functions of his or her office as may be determined by the Council with the approval of the Minister given with the consent of the Minister for Finance.”.

—An tAire Sláinte agus Leanaí.

SECTION 22

16. In page 19, subsection (3)(a), line 11, to delete “is” where it firstly occurs and substitute “it”.

—An tAire Sláinte agus Leanaí.

17. In page 19, subsection (6), line 26, after “determine” to insert the following:

“and laid before both Houses of the Oireachtas, and if a resolution of either such House is passed within the next 21 sitting days annulling such rules, the rules shall stand annulled, but without prejudice to anything previously done thereunder”.

—Liz McManus.

SECTION 26

18. In page 20, subsection (1), line 36, to delete paragraph (a).

—An tAire Sláinte agus Leanaí.

19. In page 21, subsection (1), between lines 1 and 2, to insert the following:

“(h) Podiatrists Registration Board;”.

—An tAire Sláinte agus Leanaí.

SECTION 27

20. In page 21, subsection (3)(a), line 29, after “profession” to insert the following:

“and each register shall be available for inspection by members of the public”.

—Liam Twomey.

[SECTION 27]

21. In page 21, subsection (3), between lines 30 and 31, to insert the following:

“(c) to make or forward complaints to the Council under *section 51*,”

—Liam Twomey.

22. In page 21, subsection (3), between lines 30 and 31, to insert the following:

“(c) accredit and inspect providers of education for members of a designated profession,

(d) ensure a system of continuing professional development for members of a designated profession,

(e) carry on research to monitor trends and performance in health services,”

—Liz McManus.

23. In page 21, subsection (3)(c), line 33, after “profession” to insert “and continuing professional development”.

—An tAire Sláinte agus Leanaí.

SECTION 28

24. In page 22, subsection (1)(a)(ii), line 15, after “engaged” to insert “, as members of that profession,”.

—An tAire Sláinte agus Leanaí.

25. In page 22, subsection (1)(a)(ii), line 16, to delete “that profession” and substitute “it”.

—An tAire Sláinte agus Leanaí.

26. In page 22, subsection (1)(a)(iii), line 17, to delete “one” and substitute “3”.

—Liz McManus.

27. In page 23, subsection (4)(b), line 1, after “engaged” to insert “, as members of the designated profession,”.

—An tAire Sláinte agus Leanaí.

28. In page 23, subsection (4)(b), line 2, to delete “the designated profession” and substitute “it”.

—An tAire Sláinte agus Leanaí.

[SECTION 28]

29. In page 23, subsection (5)(b), line 12, to delete “*subsection*” and substitute “*subsections*”.

—An tAire Sláinte agus Leanaí.

30. In page 23, between lines 23 and 24, to insert the following subsection:

“(8) The Minister shall take such steps and give such directions as are required to ensure that not less than 40 per cent of the members of a board are men and not less than 40 per cent are women.”.

—Liz McManus.

SECTION 31

31. In page 24, subsection (1)(e), line 12, before “qualifications” to insert “and (4)”.

—An tAire Sláinte agus Leanaí.

SECTION 32

32. In page 25, subsection (6), line 45, after “determine” to insert the following:

“and laid before both Houses of the Oireachtas, and if a resolution of either such House is passed within the next 21 sitting days annulling such bye-law, the bye-law shall stand annulled, but without prejudice to anything previously done thereunder”.

—Liz McManus.

SECTION 33

33. In page 26, subsection (1), line 4, after “Part” to insert “, *Part 4*”.

—An tAire Sláinte agus Leanaí.

34. In page 26, subsection (5), line 18, after “unless” to insert the following:

“, in the case of a committee established under this Part or *Part 5*,”.

—An tAire Sláinte agus Leanaí.

SECTION 38

35. In page 28, subsection (4), line 18, to delete “the” and substitute “an”.

—An tAire Sláinte agus Leanaí.

[SECTION 39]

SECTION 39

36. In page 29, subsection (2), between lines 23 and 24, to insert the following:

“(b) the person—

(i) has previously been registered within the preceding 24 months, or

(ii) has not been registered within the preceding 24 months and has provided evidence of having attended and successfully completed in the past 3 months relevant, accredited refresher training.”

—Liam Twomey.

SECTION 46

37. In page 32, subsection (1)(b), line 11, to delete “means or otherwise” and substitute “and not less than one other means”.

—An tAire Sláinte agus Leanaí.

38. In page 32, subsection (1)(b), line 11, to delete “or” and substitute “and”.

—Liz McManus.

SECTION 51

39. In page 35, subsection (4), line 21, to delete “A majority” and substitute the following:

“At least one third”.

—Liam Twomey.

40. In page 35, subsection (4), line 22, to delete “At least one third” and substitute “A majority”.

—Liam Twomey.

SECTION 52

41. In page 36, subsection (1)(c), line 13, after “ailment” to insert the following:

“which cannot be addressed by reasonable accommodation by any present or future employer of the registrant”.

—Liz McManus.

42. In page 36, subsection (1)(g), line 21, to delete “triable” and substitute “tried”.

—Liz McManus.

[SECTION 52]

43. In page 36, subsection (1)(g), line 24, to delete “triable” and substitute the following:

“that in the opinion of the Council would be likely to be tried”.

—Liz McManus.

44. In page 36, subsection (4), line 34, after “complaint” to insert the following:

“and that complaints are processed in a timely manner”.

—An tAire Sláinte agus Leanaí.

45. In page 36, subsection (4), line 34, after “complaint” to insert the following:

“and that complaints are processed as soon as reasonably practicable”.

—Liz McManus.

SECTION 53

46. In page 36, before section 53, to insert the following new section:

“Power to initiate investigations.

53.—The Council may, if it appears to it desirable in the public interest to do so, irrespective of whether or not it has received a complaint, investigate any matter that appears to it to indicate that a registrant may have-

(a) committed an offence, or

(b) behaved in a manner that would contravene the grounds set out in *section 52(1)*.”.

—Liam Twomey.

47. In page 37, between lines 19 and 20, to insert the following subsection:

“(7) In the event that the Council receives a complaint regarding a registrant who is also a member of the Council, that member shall absent himself or herself from any meetings, discussions, investigations or votes pertaining to the investigation of such a complaint.”.

—Liam Twomey.

SECTION 58

48. In page 39, subsection (4)(b), line 38, after “oath” to insert “or affirmation”.

—Liz McManus.

[SECTION 58]

49. In page 39, subsection (5), line 41, after “oaths” to insert “or affirmations”.
—Liz McManus.

SECTION 59

50. In page 40, subsection (1)(b), line 22, after “oath” to insert “, affirmation”.
—Liz McManus.

51. In page 40, subsection (4)(c), lines 38 and 39, to delete all words from and including “a” where it secondly occurs in line 38 down to and including “transmission” in line 39 and substitute the following:

“or any other mode of transmission, provided that where cross-examination is sought by a party to the inquiry, the mode of transmission must permit of such cross-examination”.

—Liz McManus.

52. In page 41, subsection (7), line 19, to delete “€2,500” and substitute “€3,000”.
—An tAire Sláinte agus Leanaí.

SECTION 60

53. In page 42, subsection (3)(a), line 5, after “order” to insert the following:

“being a period in any one case of not more than 2 months or the final determination of the complaint, whichever is sooner”.

—Liz McManus.

SECTION 79

54. In page 49, subsection (4), line 12, to delete “*subsection*” and substitute “*subsections*”.

—An tAire Sláinte agus Leanaí.

SECTION 80

55. In page 49, after line 43, to insert the following subsection:

“(6) The Minister may by regulations increase the amount referred to in *subsection (5)* in order to provide for increased inflation.”.

—Liam Twomey.

[SECTION 90]

SECTION 90

56. In page 52, between lines 26 and 27, to insert the following:

“ ‘corresponding qualification’ means a qualification that has been awarded in another member state and that, before or after the passing of this Act, has been recognised by or on behalf of the State pursuant to a directive or other relevant measure as corresponding to—

- (a) in the case of a designated profession listed in the second column of *Schedule 3*, a qualification listed opposite that profession in the third column of that Schedule, and
- (b) in the case of any other designated profession, a qualification standing at the time of application for registration prescribed under *section 95* for that profession;

‘directive’ and ‘member state’ have the same meanings as in *section 38*.”

—An tAire Sláinte agus Leanaí.

57. In page 52, between lines 29 and 30, to insert the following:

“ ‘relevant measure’ has the same meaning as in *section 38*.”

—An tAire Sláinte agus Leanaí.

SECTION 91

58. In page 53, subsection (1)(c), to delete lines 1 and 2 and substitute the following:

“(i) holds—

- (I) a qualification listed opposite that profession in the third column of that Schedule or a corresponding qualification, or
- (II) a qualification that, in the opinion of the board, is sufficiently relevant to that profession and is of a standard not lower than a qualification listed opposite the profession in the third column of that Schedule.”

—An tAire Sláinte agus Leanaí.

59. In page 53, between lines 8 and 9, to insert the following subsections:

“(2) The Social Care Workers Registration Board shall grant registration to a person who, at any time during the period of 5 years ending on the relevant date, was engaged in the practice of the profession of social care worker and who—

- (a) applies during the transitional period to that board for registration,
- (b) meets the requirements of *paragraphs (a), (b), (d) and (e) of subsection (1)*,

[SECTION 91]

(c) has been engaged in the continuous practice of that profession for a period of not less than 2 years immediately preceding the date of application, and

(d) is, in the written opinion of the person's employer, competent in the practice of that profession.

(3) An opinion is not valid for the purpose of *subsection (2)(d)* unless the employer concerned has, in forming that opinion, taken account of any assessment guidelines issued by the Council for that purpose.

(4) The function of the Social Care Workers Registration Board under *subsection (2)* is in addition to, and not in substitution for, its function under *subsection (1)* in relation to applicants for registration.”.

—An tAire Sláinte agus Leanaí.

60. In page 53, subsection (2)(c), to delete lines 20 and 21 and substitute the following:

“(i) holds—

(I) a qualification prescribed under *section 95* for that profession or a corresponding qualification, or

(II) a qualification that, in the opinion of the board, is sufficiently relevant to that profession and is of a standard not lower than a qualification prescribed under *section 95* for that profession, or”.

—An tAire Sláinte agus Leanaí.

SECTION 92

61. In page 53, subsection (1), line 34, to delete “Neither the Council nor any” and substitute “No”.

—Liz McManus.

62. In page 53, subsection (2), line 39, to delete “Neither a registration board nor any” and substitute “No”.

—Liz McManus.

SECTION 95

63. In page 54, subsection (3), line 44, after “*section 4(1)*” to insert the following:

“and any organisations that he or she considers appropriate”.

—An tAire Sláinte agus Leanaí.

SCHEDULE 1

64. In page 57, paragraph 9(4), line 42, to delete “chairperson,” and substitute “chairperson”.

—An tAire Sláinte agus Leanaí.

[SCHEDULE 2]

SCHEDULE 2

65. In page 59, paragraph 3(1), line 20, to delete “*subparagraph (2)*” and substitute “*subparagraphs (2) and (4)*”.

—An tAire Sláinte agus Leanaí.

66. In page 59, paragraph 3, between lines 22 and 23, to insert the following:

“(2) One-half of the members of a registration board first constituted under this Act hold office for a term of 2 years from the date of their appointment.

(3) The members who are to hold office for a term of 2 years shall be decided by lot to be drawn in the manner that may be determined by the Minister.”.

—An tAire Sláinte agus Leanaí.

67. In page 59, paragraph 3(4), line 31, before “is” to insert “or (4) ”.

—An tAire Sláinte agus Leanaí.

SCHEDULE 3

68. In page 63, to delete line 4.

—An tAire Sláinte agus Leanaí.

69. In page 63, to delete lines 7 to 10 and substitute the following:

“

3.	Dietitians	Bachelor of Science (Honours) in Human Nutrition and Dietetics from the University of Dublin and Diploma in Human Nutrition and Dietetics from the Dublin Institute of Technology, or Diploma in Dietetics and Nutrition from the City of Dublin Vocational Education Committee awarded after 1976 and before 1987, or Diploma in Dietetics from the City of Dublin Vocational Education Committee awarded after 1951 and before 1977.
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—An tAire Sláinte agus Leanaí.

[SCHEDULE 3]

70. In page 63, column 3, between lines 31 and 32, to insert the following:
“Master of Science in Occupational Therapy (Professional Qualification) from the University of Limerick, or”.

—An tAire Sláinte agus Leanaí.

71. In page 63, column 3, between lines 42 and 43, to insert the following:
“Bachelor of Science in Physiotherapy from the Royal College of Surgeons in Ireland, or”.

—An tAire Sláinte agus Leanaí.

72. In page 63, between lines 48 and 49, to insert the following:
“

8.	Podiatrists	Bachelor of Science in Podiatry.
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”.

—An tAire Sláinte agus Leanaí.

73. In page 64, column 3, line 37, to delete “Science” and substitute “Arts (Moderatorship)”.

—An tAire Sláinte agus Leanaí.

74. In page 64, column 3, between lines 39 and 40, to insert the following:
“Bachelor of Arts (Remedial Linguistics) from the University of Dublin, or Master of Science in Speech and Language Therapy (Professional Qualification) from the University of Limerick, or”.

—An tAire Sláinte agus Leanaí.

TITLE

75. In page 7, line 7, after “OF” to insert the following:

“COMHAIRLE UM GHAIMITHE SLÁINTE AGUS CÚRAIM SHÓISIALAIGH OR IN THE ENGLISH LANGUAGE”.

—Liz McManus.