



DÁIL ÉIREANN

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

LEASUITHE A RINNE AN DÁIL AMENDMENTS MADE BY THE DÁIL

*[The page and line references in this list of amendments are to the text
of the Bill as passed by Seanad Éireann.]*

DÁIL ÉIREANN

AN BILLE UM GHAIRMITHE SLÁINTE AGUS CÚRAIM SHÓISLAIGH 2004

[*BILLE SEANAD ARNA LEASÚ AG AN DÁIL*]

HEALTH AND SOCIAL CARE PROFESSIONALS BILL 2004 [*SEANAD BILL AMENDED BY THE DÁIL*]

*Leasuithe a rinne an Dáil
Amendments made by the Dáil*

1. In page 7, line 7, after “OF” the following inserted:

“CHOMHAIRLE UM GHAIRMITHE SLÁINTE AGUS CÚRAIM
SHÓISIALAIGH OR IN THE ENGLISH LANGUAGE”.

2. In page 9, subsection (1), line 3, paragraph (*a*) deleted.

3. In page 9, subsection (1), between lines 9 and 10, the following inserted:

“(h) podiatrist;”.

4. In page 11, subsection (1), line 3, after “as” the following inserted:

“An Chomhairle um Ghairmithe Sláinte agus Cúraim Shóisialaigh or in The English language as”.

5. In page 12, subsection (3)(b), line 30, “12” deleted and “9” substituted.

6. In page 12, subsection 3(b)(iv), line 42, “9” deleted and “6” substituted.

7. In page 12, subsection (3)(b)(iv), line 44, “Employment” deleted and the following substituted:

“Employment;

(c) 3 persons who have such qualifications, interests and experience as, in the opinion of the Minister, would be of value to the Council in performing its functions”.

8. In page 13, subsection (4), line 2, before “or” where it secondly occurred “or (c)” inserted.

9. In page 13, subsection (4), line 3, “may” deleted and “shall” substituted.
10. In page 13, subsection (6), line 10, “in” where it secondly occurs deleted.
11. In page 13, subsection (6)(a), line 11, before “the”, “in” inserted.
12. In page 13, subsection (6)(b), line 12, before “the” where it firstly occurs, “in” inserted.
13. In page 13, subsection (6)(c), line 14, before “the”, “as a member of that profession, in” inserted.
14. In page 13, between lines 24 and 25, the following subsection inserted:

“(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.”.
15. In page 19, subsection (3)(a), line 11, “is” where it firstly occurs deleted and “it” substituted.
16. In page 19, subsection (6), lines 25 and 26, all words from and including “it” in line 25 down to and including “determine” in line 26 deleted and the following substituted:

“it—

 - (a) is published in such manner as the Council may determine, and
 - (b) is submitted to the Minister for laying before each House of the Oireachtas”.
17. In page 19, between lines 31 and 32, the following subsection inserted:

“(8) *Subsections (4) to (6) of section 95* apply with the necessary modifications to rules submitted to the Minister in accordance with this section as if they were regulations made by the Minister.”.
18. In page 20, subsection (1), line 36, paragraph (a) deleted.

19. In page 21, subsection (1), between lines 1 and 2, the following inserted:
“(h) Podiatrists Registration Board;”.
20. In page 21, subsection (3)(c), line 33, after “profession”, “and continuing professional development” inserted.
21. In page 22, subsection (1)(a)(ii), line 15, after “engaged”, “, as members of that profession” inserted.
22. In page 22, subsection (1)(a)(ii), line 16, “that profession” deleted and “it” substituted.
23. In page 23, subsection (4)(b), line 1, after “engaged”, “, as members of the designated profession,” inserted.
24. In page 23, subsection (4)(b), line 2, “the designated profession” deleted and “it” substituted.
25. In page 23, subsection (5)(b), line 12, “*subsection*” deleted and “*subsections*” substituted.
26. In page 24, subsection (1)(c), line 5, “*section 38(2)*” deleted and “*section 38 (2)(a)*” substituted.
27. In page 24, subsection (1)(e) line 11, “*section 38(3)*” deleted and “*section 38 (2)(b) to (d)*” substituted.
28. In page 25, subsection (6), lines 44 and 45, all words from and including “the” where it secondly occurs in line 44 down to and including “determine.” in line 45 deleted and the following substituted:

“it—

(a) is published in such manner as the board may determine, and

(b) is submitted to the Minister for laying before each House of the Oireachtas.

(7) *Subsections (4) to (6) of section 95* apply with the necessary modifications to bye-laws submitted to the Minister in accordance with this section as if they were regulations made by the Minister.”.

29. In page 26, subsection (1), line 4, after “Part”, “, *Part 4*” inserted.

30. In page 26, subsection (5), line 18, after “unless” the following inserted:

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

31. In page 27, subsection (2), line 41, to page 28, line 29, all words from and including “if” in line 41 down to and including “registration.” in line 29 deleted and the following substituted:

“if—

- (a) the person has been awarded in the State a qualification that the registration board of that profession has, by bye-law, approved as attesting to the standard of proficiency required for registration,
- (b) the person is a national of a member state who has been awarded in a member state a qualification in that profession that the State, pursuant to a directive or relevant measure, is obliged to recognise as corresponding to a qualification referred to in *paragraph (a)*,
- (c) the person is a national of a member state who has been awarded in a member state a lesser qualification specified pursuant to a directive or relevant measure and he or she meets the applicable compensatory requirements specified pursuant to the directive or that measure for the practice of that profession in the State by persons holding the lesser qualification, or
- (d) the person has undergone training in the profession outside the State and he or she—
 - (i) has been awarded outside the State a qualification in the profession that the registration board is satisfied attests to a standard of proficiency corresponding to the standard attested to by a qualification referred to in *paragraph (a)*, or
 - (ii) has, in or outside the State, undergone such additional training or acquired such experience as satisfies the registration board, following a test of competence that it may require the person to take, that he or she has the requisite standard of proficiency for registration.”.

32. In page 28, subsection (6), between lines 46 and 47, the following inserted:

“ ‘lesser qualification’ means a qualification attesting to a standard of proficiency below the standard attested to by a qualification referred to in *subsection (2)(a)*,”.

33. In page 29, subsection (6), line 5 deleted.

34. In page 32, subsection (1)(b), line 11, “means or otherwise” deleted and “and not less than one other means” substituted.

35. In page 36, subsection (4), line 34, after “complaint” the following inserted:
“and that complaints are processed in a timely manner”.

36. In page 41, subsection (7), line 19, “€2,500” deleted and “€3,000” substituted.

37. In page 49, subsection (4), line 12, “*subsection*” deleted and “*subsections*” substituted.

38. In page 52, between lines 26 and 27, the following inserted:

“ ‘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*.”.

39. In page 52, between lines 29 and 30, the following inserted:

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

40. In page 53, subsection (1)(c), lines 1 and 2 deleted and the following substituted:

“(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, or”.

41. In page 53, between lines 8 and 9, the following subsections inserted:

“(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)*,
- (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.”.

42. In page 53, subsection (2)(c), lines 20 and 21 deleted and the following substituted:

“(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”.

43. In page 54, subsection (3), line 44, after “*section 4(1)*,” the following inserted:
“and any organisations that he or she considers appropriate”.

44. In page 57, paragraph 9(4), line 42, “chairperson,” deleted and “chairperson” substituted.

45. In page 59, paragraph 3(1), line 20, “*subparagraph (2)*” deleted and “*subparagraphs (2) and (4)*” substituted.

46. In page 59, paragraph 3, between lines 22 and 23, the following inserted:

“(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.”.

47. In page 59, paragraph 3(4), line 31, before “is”, “or (4)” inserted.

48. In page 63, line 4 deleted.

49. In page 63, lines 7 to 10 deleted and the following substituted:

“

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

51. In page 63, column 3, between lines 35 and 36, the following inserted:
 “Diploma of British Orthoptics, or”.

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

53. In page 63, between lines 48 and 49, the following inserted:

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8.	Podiatrists	Bachelor of Science in Podiatry.
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”

54. In page 64, line 6, in the third column, “Dublin,” deleted.
55. In page 64, column 3, line 37, “Science” deleted and “Arts (Moderatorship)” substituted.
56. In page 64, column 3, between lines 39 and 40, the following inserted:
“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”.