



## **DÁIL ÉIREANN**

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

### **LEASUITHE TUARASCÁLA REPORT AMENDMENTS**

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## AN BILLE UM GHAIMITHE SLÁINTE AGUS CÚRAIM SHÓISLAIGH 2004 —AN TUARASCÁIL

### HEALTH AND SOCIAL CARE PROFESSIONALS BILL 2004 —REPORT

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#### *Leasuithe Amendments*

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1. In page 9, between lines 5 and 6, to insert the following:

“(a) chiropractor;”.

—Liz McManus, Caoimhghín Ó Caoláin.

2. In page 9, line 11, after “physiotherapist” to insert “or physical therapist”.

—Liam Twomey, Liz McManus.

3. In page 9, line 20, after “(1),” 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.

4. In page 11, after line 40, to insert the following:

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

—Liz McManus.

5. In page 12, lines 27 and 28, to delete all words from and including “all” in line 27 down to and including “section” in line 28 and substitute the following:

“not less than 40 per cent of whom shall be women and not less than 40 per cent men, appointed by the Minister following a process of public advertisement for the positions, assessment of candidates based on published criteria of qualification and interviews”.

—Caoimhghín Ó Caoláin.

6. In page 12, line 28, 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.

7. In page 12, line 38, to delete “12” and substitute “9”.

—An Tánaiste agus Aire Sláinte agus Leanaí .

8. In page 13, lines 1 to 4, to delete all words from and including “one” in line 1 down to and including “professions” in line 4 and substitute the following:

“two are representative of third level educational establishments involved in the education and training of persons with respect to the practice of the designated professions, one of whom is representative of the Institutes of Technology,”.

—Dan Boyle, John Gormley.

9. In page 13, line 6, to delete “9” and substitute “6”.

—An Tánaiste agus Aire Sláinte agus Leanaí .

10. In page 13, lines 6 and 7, to delete all words from and including “9” in line 6 down to and including “public” in line 7 and substitute the following:

“8 are representative of the interest of the general public and establishments involved in the education and training of persons with respect to the practice of the designated professions and are nominated by the Minister for Education and Science”.

—Dan Boyle, John Gormley.

11. In page 13, line 8, to delete “Employment” and substitute the following:

“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”.

—An Tánaiste agus Aire Sláinte agus Leanaí .

12. In page 13, line 8, after “Employment” to insert “and the Minister for Social and Family Affairs”.

—Caoimhghín Ó Caoláin.

13. In page 13, line 10, before “or” where it secondly occurs to insert “or (c)”.

—An Tánaiste agus Aire Sláinte agus Leanaí .

14. In page 20, lines 2 and 3, to delete all words from and including “it” in line 2 down to and including “determine” in line 3 and substitute the following:

“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”.

—An Tánaiste agus Aire Sláinte agus Leanaí .

15. In page 20, line 3, 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.

16. In page 20, between lines 8 and 9, to insert the following:

“(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.”.

—An Tánaiste agus Aire Sláinte agus Leanaí .

17. In page 22, line 12, after “profession” to insert the following:

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

—Liam Twomey, Caoimhghín Ó Caoláin.

18. In page 22, between lines 13 and 14, to insert the following:

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

—Liam Twomey.

19. In page 22, between lines 13 and 14, to insert the following:

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

(d) carry on research to monitor trends and performances in health services,”.

—Liz McManus.

20. In page 22, line 44, to delete “one” and substitute “two”.

—Caoimhghín Ó Caoláin.

21. In page 23, line 15, after “Employment” to insert “and the Minister for Social and Family Affairs”.

—Caoimhghín Ó Caoláin.

22. In page 24, between lines 3 and 4, to insert the following:

“(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.

23. In page 24, line 31, to delete “*section 38(2)*” and substitute “*section 38(2)(a)*”.

—An Tánaiste agus Aire Sláinte agus Leanaí .

24. In page 24, lines 37 and 38, to delete “*section 38(3) and (4)*” and substitute “*section 38(2)(b) to (d)*”.

—An Tánaiste agus Aire Sláinte agus Leanaí .

25. In page 26, lines 24 and 25, to delete all words from and including “the” in line 24 where it secondly occurs down to and including “determine.” in line 25 and substitute the following:

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

—An Tánaiste agus Aire Sláinte agus Leanaí .

26. In page 26, line 25, 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.

27. In page 28, line 25, to page 29, line 10, to delete all words from and including “if” in line 25 down to and including “registration.” in line 10 and substitute the following:

“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.”
- An Tánaiste agus Aire Sláinte agus Leanaí .

**28.** In page 29, between lines 27 and 28, to insert the following:

“ ‘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)*.”

—An Tánaiste agus Aire Sláinte agus Leanaí .

**29.** In page 29, to delete line 34.

—An Tánaiste agus Aire Sláinte agus Leanaí .

**30.** In page 30, between lines 10 and 11, 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.

**31.** In page 36, line 9, to delete “A majority” and substitute “At least one third”.

—Liam Twomey.

32. In page 36, line 10, to delete “At least one third” and substitute “A majority”.  
—Liam Twomey.

33. In page 37, line 3, after “ailment” to insert the following:

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

—Liz McManus.

34. In page 37, between lines 25 and 26, to insert the following:

“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.

35. In page 38, between lines 9 and 10, to insert the following:

“(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.

36. In page 50, between lines 5 and 6, to insert the following:

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

—Liam Twomey.

37. In page 54, line 13, after “Schedule,” to insert “or”.

—An Tánaiste agus Aire Sláinte agus Leanaí .

38. In page 65, in the third column, between lines 13 and 14, to insert the following:

“Diploma of British Orthoptics, or”.

—An Tánaiste agus Aire Sláinte agus Leanaí .

39. In page 65, line 31, in the third column, after “subject” to insert the following:

“and for persons employed as psychologists in the public service, such further qualification (if any) as was required for such employment at the time of recruitment or a recognised postgraduate qualification in applied psychology”.

—Liz McManus.

**40.** In page 65, line 34, in the third column, to delete “Dublin,”.

—An Tánaiste agus Aire Sláinte agus Leanaí .