



AN BILLE SLÁINTE (LEASÚ) (UIMH. 2) 2004
HEALTH (AMENDMENT) (NO. 2) BILL 2004

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

Section

1. Charges for in-patient services.
 2. Short title and collective citation.
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ACTS REFERRED TO

Health (Amendment) Act 1996

1996, No. 15

Health Act 1970

1970, No. 1

Health Acts 1947 to 2004

Mental Health Acts 1945 to 2001

Social Welfare Acts



AN BILLE SLÁINTE (LEASÚ) (UIMH. 2) 2004
HEALTH (AMENDMENT) (NO. 2) BILL 2004

BILL

entitled

5 AN ACT TO AMEND SECTION 53 OF THE HEALTH ACT
1970.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—Section 53 of the Health Act 1970 is amended—

Charges for in-
patient services.

(a) in subsection (2)—

10 (i) by substituting “Notwithstanding anything in the
Health Acts 1947 to 2004 but subject to subsections
(3), (4) and (9), the Minister shall” for “The Minister
may”, and

15 (ii) in paragraph (a), by substituting “to whom the in-
patient services are provided” for “who are not per-
sons with full eligibility”, and

(b) by inserting the following after subsection (2):

20 “(3) A charge imposed under regulations made under
subsection (2) on or after the enactment of this subsection
is not payable where the in-patient services concerned are
provided to—

(a) a person under 18 years of age,

(b) a woman in respect of motherhood,

25 (c) a person detained involuntarily under the Mental
Health Acts 1945 to 2001,

(d) a person who—

(i) is in a hospital for the care and treatment
of patients with acute ailments (including
any psychiatric ailment), and

30 (ii) requires medically acute care and treat-
ment in respect of any such ailment,

or

(e) a person who pursuant to section 2 of the Health (Amendment) Act 1996, in the opinion of the chief executive officer of a health board, has contracted Hepatitis C directly or indirectly from the use of Human Immunoglobulin Anti-D or the receipt within the State of another blood product or a blood transfusion. 5

(4) The chief executive officer of a health board may reduce or waive a charge imposed on a person under regulations made on or after the enactment of this subsection if the chief executive officer is of the opinion that, having regard to the financial circumstances of that person (including whether or not that person has dependants), it is necessary to do so in order to avoid undue financial hardship in relation to that person. 10 15

(5) Subject to subsection (6), it is hereby declared that the imposition and payment of a relevant charge is, and always has been, lawful.

(6) Subsection (5) shall not apply in the case of a relevant charge which is the subject of civil proceedings— 20

(a) instituted on or before 14 December 2004, and

(b) for the recovery of the relevant charge.

(7) Subsection (5) is in addition to, and not in derogation of, any other ground (whether under an enactment or rule of law) which may be raised in any civil proceedings (including civil proceedings referred to in subsection (6)) to debar the recovery of a relevant charge. 25

(8) For the avoidance of doubt, it is hereby declared that— 30

(a) regulations made under subsection (2) and in force immediately before the enactment of this subsection—

(i) shall continue in force on and after that commencement and may be amended or revoked, and 35

(ii) subject to paragraph (b), do not apply to persons with full eligibility,

and

(b) such regulations may be amended on or after that commencement to apply, in whole or in part, to persons with full eligibility. 40

(9) Where in-patient services have been provided to a person for—

(a) a period of not less than 30 days, or 45

(b) periods aggregating not less than 30 days within the previous 12 months,

then—

5 (c) a charge imposed under regulations made under subsection (2) on or after the enactment of this subsection for the further provision of any in-patient services to that person shall be charged at a weekly rate, and

10 (d) such weekly rate shall not exceed 80 per cent of the maximum of the weekly rate of the old age (non-contributory) pension within the meaning of the Social Welfare Acts.

15 (10) A period of 30 days referred to in subsection (9) begins to run immediately the person concerned is provided with in-patient services, and irrespective of whether during all or any part of that period the charge referred to in that subsection is not payable by virtue of the operation of subsection (3) or (4).

(11) Notwithstanding section 51, in this section—

20 ‘in-patient services’, in relation to any regulations made under subsection (2) on or after the enactment of this subsection, means the institutional services referred to in the definition of ‘in-patient services’ in section 51 only insofar as those institutional services consist of the maintenance of a person;

‘relevant charge’ means a charge—

25 (a) imposed (or purporting to be imposed) under regulations made (or purporting to be made) under subsection (2), and

(b) paid at any time before the enactment of this subsection.”.

30 **2.**—(1) This Act may be cited as the Health (Amendment) (No. 2) Act 2004. Short title and collective citation.

(2) The collective citation “the Health Acts 1947 to 2004” shall include this Act.