



AN BILLE SLÁINTE (SCÉIM AISÍOCA) 2006
HEALTH (REPAYMENT SCHEME) BILL 2006

EXPLANATORY MEMORANDUM

Purpose of Bill

The Bill provides a clear legal framework for a scheme to repay recoverable health charges (i.e. those found to be wrongfully imposed) to fully eligible persons for publicly funded long term residential care.

This Bill also regulates patient private property accounts by introducing a statutory framework to protect patients' interests particularly in the context of large repayments which may be placed in these accounts.

Main Provisions of the Bill

This Bill will enable full repayments of public long stay charges to be made to all those who were wrongly charged and are alive, and the estates of all those who were wrongly charged and died since 9th December 1998. The scheme will not allow for repayments to the estates of those who died more than six years prior to this date.

The repayments will include both the actual charge paid and an amount to take account of inflation with reference to the Consumer Price Index. All repayments to living persons and their spouses will be exempt from income tax and repayments will not be taken into account in assessing means for health and social welfare benefits. The normal tax and means assessment arrangements will apply to those who benefit from repayments to estates. The scheme includes a provision to allow those eligible for a repayment to waive their right to a repayment and have the money assigned to fund one-off service improvements for older persons and persons with a disability.

The application process will be as simple and as user friendly as possible while also providing appropriate safeguards against fraud and preventing the exploitation of those not in a position to manage the repayments which they will receive. The scheme has been designed and will be managed with the aim of ensuring that those who are eligible for repayments receive them as soon as possible. Priority will be given to those who are still alive. There will be an independent and transparent appeals process.

The legislation will also provide for the regulation and administration of patient private property accounts to ensure the money in these accounts is used for the benefit of the patient and that the money held in these accounts can be invested on behalf of the patient. The Minister may appoint an independent overseer in relation to the administration of these accounts.

The governance of the scheme will allow the Minister to receive reports on, the operation of the scheme, the appeals process and the fund established to receive donations. These reports shall be laid before each House of the Oireachtas. Legislation also provides that all accounts and funds related to the scheme may be audited by the Comptroller and Auditor General.

*An Roinn Sláinte agus Leanaí,
Márta, 2006.*