



AN BILLE SLÁINTE (CIGIREACHT OSPIDÉAL) 2006
HEALTH (HOSPITALS INSPECTORATE) BILL 2006

Mar a tionscnaíodh
As initiated

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Health Acts 1947 to 2005



AN BILLE SLÁINTE (CIGIREACHT OSPIDÉAL) 2006
HEALTH (HOSPITALS INSPECTORATE) BILL 2006

BILL

entitled

5 AN ACT TO PROVIDE FOR THE APPOINTMENT BY THE
MINISTER FOR HEALTH AND CHILDREN OF A
HOSPITAL INSPECTORATE, TO PROVIDE FOR THE
FUNCTIONS OF THE INSPECTORATE, AND TO
PROVIDE FOR RELATED MATTERS.

10 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Interpretation.

“hospital” means a hospital engaged in the provision of services under the Health Acts 1947 to 2005;

“the Minister” means the Minister for Health and Children.

15 2.—(1) The Minister shall, with the concurrence of the Minister for Finance, appoint a Chief Inspector of Hospitals and such and so many Assistant Inspectors as the Minister considers appropriate; and the Chief Inspector and Assistant Inspectors collectively shall be known and are referred to in this Act as the “Inspectorate”.

Appointment of
Inspectorate.

20 (2) The Minister shall include amongst those he or she appoints as Assistant Inspectors under *subsection (1)* persons who hold medical qualifications and persons who have other expertise, including expertise in administration.

(3) An Assistant Inspector shall perform his or her functions sub-
25 ject to the general direction of the Chief Inspector.

(4) Subject to this Act, the Inspectorate and each Inspector shall be independent in the performance of its and his or her functions.

3.—The functions of the Inspectorate shall be—

Functions of
Inspectorate.

30 (a) in each year to visit and carry out a review of hospitals in the State and to furnish a report in writing on—

(i) the organisation and operation of hospitals and the quality and effectiveness of the services provided in

those hospitals, including the quality of care and treatment given to patients,

(ii) the quality and effectiveness of hospital services in the State generally, including comparison with relevant international practice and standards, 5

(iii) the degree and extent of compliance by hospitals with any relevant enactment, directive or code of practice, and

(iv) such other matters relating to hospitals and the needs of hospital patients as the Inspectorate considers appropriate to report on, and 10

(b) to disseminate information relating to the performance by the Inspectorate of the functions provided for in this section and promote informed debate on those matters.

Powers of Inspector.

4.—An Inspector shall have all such powers as are necessary or expedient for the purpose of performing his or her functions and shall be accorded every reasonable facility and co-operation by the proprietor, governing body and staff of a hospital. 15

Inquiry by Chief Inspector.

5.—(1) The Chief Inspector may, and shall if so requested by the Minister, inquire into and report upon— 20

(a) the operation and administration of a specified hospital during a specified period,

(b) the care and treatment provided to a specified patient,

(c) any other matter in respect of which an inquiry is appropriate having regard to the provisions of this Act or any other enactment. 25

(2) For the purposes of an inquiry under *subsection (1)*, the Chief Inspector has the following powers:

(a) to visit and inspect at any time any hospital and to be accompanied on such visit by such consultants or advisors as he or she may consider necessary or expedient for the performance of his or her functions; 30

(b) to require any person in such a hospital to furnish him or her with such information in possession of the person as he or she may reasonably require for the purposes of his or her functions and to make available to the Chief Inspector any record or other document in his or her power or control that in the opinion of the Chief Inspector is relevant to his or her functions; 35

(c) to examine and take copies of, or of extracts from, any record or other document made available to him or her or found on the premises; 40

(d) to require any person who, in the opinion of the Chief Inspector, is in possession of relevant information, or has a relevant record in his or her power or control, to furnish to the Chief Inspector any such information or record 45

and, where appropriate, require the person to attend before him or her for that purpose;

5 (e) to examine and take copies in any form of, or of extracts from any record that, in the opinion of the Chief Inspector, is relevant to the review or investigation and for those purposes take possession of any such record, remove it from the premises and retain it in his or her possession for a reasonable period; and

10 (f) to take evidence on oath and for that purpose to administer oaths.

(3) Subject to *subsection (4)*, no enactment or rule of law prohibiting or restricting the disclosure or communication of information shall preclude a person from furnishing to the Chief Inspector any information or record under *subsection (2)*.

15 (4) A person to whom a requirement is addressed under this section is entitled to the same immunities and privileges as a witness in a court.

20 6.—(1) The Minister shall cause copies of any reports received by him or her under *section 3* or *5* to be laid before each House of the Oireachtas. Reports.

(2) A report under *section 3* or *5* is absolutely privileged wherever and however published.

7.—A person who—

Obstruction or interference.

25 (a) obstructs or interferes with an Inspector while he or she is exercising any power conferred by or under this Act, or

(b) fails to give any information within his or her knowledge reasonably required by an Inspector in the course of carrying out his or her duties,

30 is guilty of an offence and is liable on summary conviction to a fine not exceeding €3,000 or to imprisonment for a term not exceeding 12 months, or to both.

8.—(1) In a report under *section 3* or *5*, an Inspector may include any recommendations to the Minister in respect of improvements that he or she considers it appropriate to make, Recommendations.

35 (2) Without prejudice to the generality of *subsection (1)*, recommendations may relate to—

(a) the carrying out of essential maintenance or refurbishment of a hospital or of specified areas within a hospital,

40 (b) the closure, temporarily or permanently, of a specified area or areas within a hospital,

(c) the number of patients which may be accommodated in a hospital, or in a specified area or areas within a hospital,

(d) the staffing of a hospital, including the number, suitability, training and experience of members of staff,

- (e) the introduction or review of specified policies, protocols or procedures relating to the treatment, care and welfare of patients,
- (f) the maintenance, care and welfare of patients,
- (g) the design, maintenance, repair, cleaning and cleanliness, ventilation, heating and lighting of hospitals, 5
- (h) the records, including treatment records, to be kept in hospitals, and the duration for which they are kept.

Appearance before Oireachtas committees.

9.—The Chief Inspector shall, at the written request of a committee of either or both of the Houses of the Oireachtas in connection with the subject matter of any report of which copies were laid before those Houses, attend before it in relation to any aspect of that matter. 10

Short title and collective citation and construction.

10.—(1) This Act may be cited as the Health (Hospital Inspectorate) Act 2006. 15

(2) This Act and the Health Acts 1947 to 2005 may be cited together as the Health Acts 1947 to 2006 and shall be construed together as one Act.