



DÁIL ÉIREANN

AN BILLE UM BINSE CÚITIMH I NDÁIL LE HEIPITÍTEAS C (LEASÚ) 2006 HEPATITIS C COMPENSATION TRIBUNAL (AMENDMENT) BILL 2006

LEASUITHE COISTE COMMITTEE AMENDMENTS

[It is proposed to take Committee and Report stages of this Bill today. Accordingly, this numbered list of amendments is circulated in advance of the conclusion of Second Stage. 30-06-06]

DÁIL ÉIREANN

AN BILLE UM BINSE CÚITIMH I NDÁIL LE HEIPITÍTEAS C (LEASÚ) 2006 —AN COISTE

HEPATITIS C COMPENSATION TRIBUNAL (AMENDMENT) BILL 2006 —COMMITTEE STAGE

Leasuithe Amendments

SECTION 1

1. In page 3, lines 22 to 24, to delete all words from and including “specified,” in line 22 down to and including “7(1A)(a)” in line 24 and substitute “appointed, pursuant to section 7(10)”.
—An Tánaiste agus Aire Sláinte agus Leanaí.

2. In page 3, to delete lines 26 to 33 and in page 4, to delete lines 1 to 8.
—Liz McManus, Liam Twomey.

3. In page 3, to delete lines 27 to 33.
—Caoimhghín Ó Caoláin.

4. In page 3, to delete lines 31 to 33 and substitute the following:
“(a) the diagnosis is—
 - (i) based on a positive test result arising from an enzyme - linked immunosorbent assay,
 - (ii) in the case of a recombinant immunoblot assay which indicates antibodies to individual viral antigens on 4 different antibody bands identified as C-22, C-33, C-100 and NS-5, based on a positive test result—
 - (I) of not less than 2+ on the C-22 antibody band, or
 - (II) of not less than 3+ on each of any 2 of the other antibody bands, or
 - (iii) based on a positive test result arising from a polymerase chain reaction (PCR) test.”.
—An Tánaiste agus Aire Sláinte agus Leanaí.

5. In page 4, to delete lines 1 to 8.
—Caoimhghín Ó Caoláin.

[SECTION 1]

6. In page 4, line 5, to delete “anti-D.” and substitute “anti-D, or”.
—An Tánaiste agus Aire Sláinte agus Leanaí.

7. In page 4, between lines 5 and 6, to insert the following:

“(c) the diagnosis is based on a positive test result arising from a test specified for the purposes of this subsection in regulations made under section 7(1) (e).”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

Section opposed.

—John Gormley.

SECTION 2

8. In page 4, line 11, to delete “by substituting” and substitute the following:

“by—

(a) inserting the following after paragraph (a):

“(b) a person who—

(i) has been diagnosed by a consultant hepatologist and adjudged by him or her to most likely have Hepatitis C, and

(ii) has no risk factor that would indicate a risk of contraction of Hepatitis C other than the receipt of contaminated blood products,”

and

(b) substituting”.

—Liam Twomey.

9. In page 4, line 27, to delete “or”.

—Liam Twomey.

10. In page 4, line 33, after “paragraph,” to insert “or”.

—Liam Twomey.

11. In page 4, between lines 33 and 34, to insert the following:

“(v) any person who, upon examination by a consultant hepatologist, was not diagnosed with Hepatitis C prior to the commencement of this paragraph,”.

—Liam Twomey.

[SECTION 2]

12. In page 4, between lines 37 and 38, to insert the following subsection:

“(2) The amendment effected by subsection (1) does not apply to or in relation to a claim for compensation to the Tribunal made before 20 June 2006.”.

—Liz McManus.

Section opposed.

—Liz McManus, Caoimhghín Ó Caoláin, John Gormley.

SECTION 3

13. In page 5, line 41, to delete “be.”,” and substitute “be,”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

14. In page 5, between lines 41 and 42, to insert the following:

“(e) specifying a test for the purposes of subsection (1A)(c) of section 1.”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

15. In page 5, lines 47 and 48, to delete all words from and including “person” in line 47 down to and including “the” in line 48 where it secondly occurs and substitute “functions of the scheme”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

16. In page 6, line 1, to delete “(p)” and substitute “(o)”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

17. In page 6, line 16, to delete “€400,000” and substitute “€420,000”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

18. In page 6, line 29, to delete “€500,000” and substitute “€525,000”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

19. In page 6, line 31, to delete “€500,000” and substitute “€525,000”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

20. In page 6, line 46, to delete “€375,000” and substitute “€394,000”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

[SECTION 3]

21. In page 7, to delete lines 24 and 25 and substitute the following:

“(i) to provide, not later than 6 months after the day appointed under subsection (11) as the establishment day for the scheme, annual travel insurance as a benefit under the scheme for a relevant claimant,”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

22. In page 7, line 27, after “claimant” to insert the following:

“, in any case where subsection (1)(d)(ii)(II)(A) applies to the claimant,”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

23. In page 8, to delete lines 3 to 25.

—Liz McManus.

24. In page 8, line 6, after “age” to insert the following:

“in cases where subsection (1)(d)(ii)(II)(A) applies to the claimants”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

25. In page 8, line 25, to delete “age,” and substitute “age.”;”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

26. In page 8, to delete lines 26 to 28.

—An Tánaiste agus Aire Sláinte agus Leanaí.

27. In page 8, line 35, to delete “, if any,”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

28. In page 8, line 43, after “be” to insert the following:

“, except that, for the purposes of this section or those regulations being so construed, no regard shall be had to any other medical condition of the claimant”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

29. In page 9, line 34, before “the” where it firstly occurs to insert “subject to section 7C(4),”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

30. In page 9, line 43, after “claimant” to insert “, or a relevant claimant and the other person,”.

[SECTION 3]

—An Tánaiste agus Aire Sláinte agus Leanaí.

- 31.** In page 9, line 48, after “claimant” to insert “, or a relevant claimant and the other person,”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

- 32.** In page 10, line 2, after “claimant” to insert the following:

“, or the claimant and the other person, as the case may be”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

- 33.** In page 10, between lines 2 and 3, to insert the following:

“(9) Where an application for a benefit under the relevant insurance scheme is made to the scheme administrator on or after the 1st anniversary of the day appointed under subsection (11) as the establishment day for the scheme, then the scheme administrator shall—

- (a) subject to paragraphs (b) and (c), determine the application not later than 28 days after the day on which the scheme administrator received the application,
- (b) subject to paragraph (c), if subsection (7) applies to the application, not later than 28 days after the day on which that subsection ceases to apply to the application,
- (c) in any case where the scheme administrator fails to comply with paragraph (a) or (b), send a notice in writing to the applicant, not later than 7 days after that failure, setting out the scheme administrator’s reasons for the failure.

(10) The Health Service Executive shall appoint a person (who may be an employee of the Executive) to administer the relevant insurance scheme.

(11) The Minister shall by order appoint a day to be the establishment day for the purposes of the relevant insurance scheme.”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

- 34.** In page 10, line 3, to delete “(9) The scheme administrator of the relevant insurance” and substitute “(12) The scheme administrator of the relevant insurance”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

- 35.** In page 10, line 8, to delete “(10) The Minister shall cause copies of such reports to” and substitute “(13) The Minister shall cause copies of such reports to”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

[SECTION 3]

36. In page 10, line 10, to delete “(11) A report of the scheme administrator shall not” and substitute “(14) A report of the scheme administrator shall not”.
—An Tánaiste agus Aire Sláinte agus Leanaí.

37. In page 10, line 12, to delete “(12) In this section, ‘relevant date’ means the date on” and substitute “(15) In this section, ‘relevant date’ means the date on”.
—An Tánaiste agus Aire Sláinte agus Leanaí.

SECTION 4

38. In page 10, line 17, to delete “28” and substitute “90”.
—An Tánaiste agus Aire Sláinte agus Leanaí.

39. In page 13, line 6, after “scheme” where it secondly occurs to insert the following:

“(including, subject to section 7(4), insurance premiums)”.
—An Tánaiste agus Aire Sláinte agus Leanaí.

40. In page 13, line 32, after “fit” to insert the following:

“(including a document to provide evidence for a decision which falls within subsection (4)(a), (b) or (c) or an opinion which falls within subsection (4)(d))”.
—An Tánaiste agus Aire Sláinte agus Leanaí.

41. In page 14, between lines 10 and 11, to insert the following:

“(4) Subject to subsection (5), the scheme administrator shall, for the purposes of determining whether or not a person is a relevant claimant—

- (a) accept any decision made by the Tribunal under section 5 which relates to the person and which has not been the subject of an appeal under that section to the High Court,
- (b) accept any decision made by the High Court on an appeal under section 5 which relates to the person and which has not been the subject of an appeal under that section to the Supreme Court,
- (c) accept any decision made by the Supreme Court on an appeal under section 5 which relates to the person, and
- (d) accept an opinion referred to in section 2(1) of the Health (Amendment) Act 1996 (as amended by section 6 of the *Hepatitis C Compensation Tribunal (Amendment) Act 2006*) which relates to the person.

(5) Subsection (4) shall not operate to prejudice the generality of—

[SECTION 4]

- (a) subsections (1A) and (1B) of section 1 (as amended by *section 1* of the *Hepatitis C Compensation Tribunal (Amendment) Act 2006*), or
- (b) subsections (1A) and (1B) of section 2 of the Health (Amendment) Act 1996 (as amended by *section 6* of the *Hepatitis C Compensation Tribunal (Amendment) Act 2006*).”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

SECTION 6

42. In page 15, to delete lines 22 to 24 and substitute the following:

“(a) the diagnosis is—

- (i) based on a positive test result arising from an enzyme - linked immunosorbent assay,
- (ii) in the case of a recombinant immunoblot assay which indicates antibodies to individual viral antigens on 4 different antibody bands identified as C-22, C-33, C-100 and NS-5, based on a positive test result—
 - (I) of not less than 2+ on the C-22 antibody band, or
 - (II) of not less than 3+ on each of any 2 of the other antibody bands, or
- (iii) based on a positive test result arising from a polymerase chain reaction (PCR) test.”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

43. In page 15, line 29, to delete “anti-D.” and substitute “anti-D, or”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

44. In page 15, between lines 29 and 30, to insert the following:

“(c) the diagnosis is based on a positive test result arising from a test specified for the purposes of subsection (1A)(c) of section 1 of the Hepatitis C Compensation Tribunal Act 1997 as amended by *section 1* of the *Hepatitis C Compensation Tribunal (Amendment) Act 2006*.”.

—An Tánaiste agus Aire Sláinte agus Leanaí.

45. In page 15, between lines 29 and 30, to insert the following:

“(c) the person has—

- (i) been diagnosed by a consultant hepatologist and adjudged by him or her to most likely have Hepatitis C, and
- (ii) no risk factor that would indicate a risk of contraction of Hepatitis C other than the receipt of contaminated blood products,”.

—Liam Twomey.

[SECTION 6]

Section opposed.

—Liz McManus, Caoimhghín Ó Caoláin, John Gormley.

SECTION 7

46. In page 15, subsection (1), line 34, to delete “and HIV”.

—Liz McManus.

TITLE

47. In page 3, line 8, after “2002,” to insert the following:

“TO PROVIDE FOR THE ESTABLISHMENT OF AN INSURANCE SCHEME
TO ENABLE CERTAIN PERSONS DIAGNOSED POSITIVE FOR
HEPATITIS C OR HIV TO BE PROVIDED WITH CERTAIN CLASSES OF
INSURANCE WHICH WOULD OTHERWISE BE EITHER UNAVAILABLE
TO THEM OR AVAILABLE ONLY UPON THE PAYMENT OF A HIGHER
PREMIUM”.

—An Tánaiste agus Aire Sláinte agus Leanaí.