

[It is proposed to take Committee and Report stages of this Bill today. Accordingly, this second additional 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 Breise
Additional Amendments*

SECTION 1

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.

Amendments to Amendment No. 4

1.

In the inserted subsection (1A)(a)(i), after “assay” to insert “, or”.

—Liz McManus.

[This is a substitute amendment to amendment No. 4 replacing amendment No. 2 to amendment No. 4, circulated on the first additional list of amendments – 30th June, 2006]

2.

In the inserted subsection (1A)(a)(ii), to delete “in the case of” and substitute “based on”.

[SECTION 1]

—Liz McManus.

3.

In the inserted subsection (1A)(a)(iii), after “test,” to insert the following:

“or

(iv) based on symptoms and a clinical diagnosis of a consultant hepatologist or gastroenterologist.”.

—Liz McManus.

7a. In page 4 line 5, after “anti-D” to insert the following:

“or

(c) in the opinion of a consultant gastroenterologist, a hepatologist, the person displays, suffers or has suffered from symptoms consistent with exposure to hepatitis C virus, and there is evidence that the person has been exposed to hepatitis C virus.”.

—Liz McManus.

SECTION 2

7b. In page 4, before section 2, to insert the following new section:

“2.—Section 4(1) of the Hepatitis C Compensation Tribunal Act 1997 (as amended by section 4 of the Hepatitis C Compensation Tribunal (Amendment) Act 2002) is amended by substituting the following for paragraph (h):

“(h) any person—

- (i) who is married to a person referred to in paragraph (a), (b) or (f) before the commencement of this paragraph and was so married before the commencement of this paragraph,
- (ii) who is married to a person referred to in paragraph (a), (b) or (f) on or after the commencement of this paragraph and was so married before the person referred to in paragraph (a), (b) or (f) was diagnosed positive for Hepatitis C or HIV,
- (iii) who has been living with a person referred to in paragraph (a), (b) or (f) before the commencement of this paragraph and has been so living with the person for a continuous period of not less than 3 years commencing before the commencement of this paragraph,
- (iv) who has been living with a person referred to in paragraph (a), (b) or (f) on or after the commencement of this paragraph and has been so living with the person for a continuous period of not less than 3 years commencing before the person referred to in paragraph (a), (b) or (f) was diagnosed positive for Hepatitis C or HIV, or

[SECTION 1]

- (v) a claimant who is married to a person referred to in paragraph (a), (b) or (f) or who has been living with a person referred to in paragraph (a), (b) or (f) for a continuous period of not less than 3 years, where the person referred to in paragraph (a), (b) or (f) was a minor on the date of the commencement of this paragraph or was a minor on the date that he or she was diagnosed positive for Hepatitis C or HIV,
- (vi) a claimant who is married to a person referred to in paragraph (a), (b) or (f) where the claimant was engaged to be married to the person referred to in paragraph (a), (b) or (f) on the date of the commencement of this paragraph or on the date that the person referred to in paragraph (a), (b) or (f) was diagnosed positive for Hepatitis C or HIV,

in respect of the loss of consortium of that person, including impairment of sexual relations with the person, arising from the risk of transmission of Hepatitis C or HIV,”.”.

—Liz McManus.

SECTION 3

- 12a.** In page 5, lines 18 to 22, to delete all words from and including “(or” in line 18 down to and including “class)” in line 22.

—Liz McManus.

- 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.

Amendments to Amendment No. 33

[SECTION 1]

1.

In the inserted subsection (9), to delete “1st anniversary of” and substitute “three months after”.

—Liz McManus.

SECTION 4

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—

- (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.

Amendments to Amendment No.41

1.

In the inserted subsection (4), to delete “Subject to subsection (5), the” and substitute “The”.

—Liz McManus.

2.

To delete the inserted subsection (5).

—Liz McManus.