



# **SEANAD ÉIREANN**

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## **AN BILLE SLÁINTE 2008 HEALTH BILL 2008**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE SLÁINTE 2008 —AN COISTE

### HEALTH BILL 2008 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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#### SECTION 2

1. In page 3, before section 2, to insert the following new section: \*

#### “PART 2

##### REPORTING SYSTEMS

Provision for  
Reporting Systems.

2.—The Minister shall, on a monthly basis, lay before the Dáil a report on the number of General Practitioners that have accepted any new capitation rate in place since October 2008, or any subsequent variation to that rate.”.

—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O'Reilly.*

[\* *Note: The proposed new Part comprehends the inclusion of amendment 2.*]

2. In page 3, before section 2, to insert the following new section:

“2.—The Minister shall lay before the Houses of the Oireachtas a report on the implementation of the recommendations of any report prepared for the Department of Health and Children in relation to the prescription of medication, with particular reference to the impact on patients over 70 of the implementation of such recommendations in respect of safety and effectiveness.”.

—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O'Reilly.*

3. In page 3, before section 2, to insert the following new section:

“Definition.

2.—“Living together as husband and wife” means that a couple shall be presumed to be living together as husband and wife in circumstances where they are cohabiting under one roof.”.

—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O'Reilly.*

[ SECTION 4 ]

SECTION 4

4. In page 4, lines 42 and 43, to delete “for a period of 3 years after the death,”.  
—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O’Reilly.*
5. In page 4, between lines 48 and 49, to insert the following:  
“(c) Upon separation or divorce each spouse can opt to be assessed either as an individual or as a spouse or, following a divorce, as if they remained spouses for the purposes of the determination of their gross income as prescribed by this Act to the effect that should either be eligible following an individual assessment, or as a result of being treated as spouses, they will receive or retain a medical card.”.  
—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O’Reilly.*
6. In page 4, between lines 48 and 49, to insert the following:  
“(c) In any application for a medical card under this Act, the Health Service Executive, or any person acting on its behalf, shall not ask any unnecessarily intrusive or invasive questions of any person purporting to be a member of a couple living together as husband and wife for the purposes of this Act.”.  
—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O’Reilly.*
7. In page 5, line 26, to delete “may” and substitute “shall”.  
—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O’Reilly.*
8. In page 5, line 27, after “Finance” to insert “and the Houses of the Oireachtas”.  
—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O’Reilly.*

SECTION 5

9. In page 6, before section 5, to insert the following new section:

“Provision of  
Discretionary  
Medical Cards.

5.—(1) Notwithstanding any provision of this Bill, any person the subject of undue hardship or terminal illness, may apply to the Health Information and Quality Authority for a recommendation that they be issued with a discretionary medical card.

(2) The Health Service Executive shall issue a discretionary medical card to the applicant within 4 weeks of a recommendation under subsection 1 being made.”.

[ SECTION 5 ]

—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O'Reilly.*

10. In page 6, before section 5, to insert the following new section:

“Amendment of section 8 of the Health Act 2007.

5.—Section 8 of the Health Act 2007 is amended—

(a) by the insertion of the following paragraph:

“(n) To receive and consider applications for a recommendation for the issue of a discretionary medical card and to make recommendations to the Health Service Executive that certain applicants be issued with such discretionary medical cards.”.”

—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O'Reilly.*

SECTION 7

11. In page 6, to delete lines 30 to 46 and substitute the following:

““(1A) A person who had full eligibility for a medical card having attained the age of 70 years prior to 1st January 2009 shall not lose their medical card as a consequence of any provision contained in this Act.””.

—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O'Reilly.*

12. In page 6, after line 48, to insert the following:

“(c) The minister shall, on a monthly basis, lay before the Dáil a report on the number of persons who have notified the Health Service Executive that their gross income exceeds the relevant gross income limit in accordance with paragraph (b) above.”.

—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O'Reilly.*

SECTION 9

13. In page 7, before section 9, but in Part 3, to insert the following new section:

“9.—The Minister shall lay before the Houses of the Oireachtas a report on the amount deferred both by those persons over 70 that hold a medical card and those that do not.”.

—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer, Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam Twomey, Joe O'Reilly.*

[ *TITLE* ]

TITLE

**14.** In page 3, line 11, after “CONTRIBUTIONS” to insert the following:

“, TO IMPROVE REPORTING SYSTEMS IN HEALTH SERVICE DELIVERY”.  
—*Senators Frances Fitzgerald, Paul Bradford, Paddy Burke, Jerry Buttimer,*  
*Paudie Coffey, Paul Coghlan, Maurice Cummins, Paschal Donohoe, Fidelma*  
*Healy Eames, Nicky McFadden, Eugene Regan, John Paul Phelan, Liam*  
*Twomey, Joe O'Reilly.*