



SEANAD ÉIREANN

**AN BILLE ÁRACHAIS SLÁINTE (LEASÚ), 2012
HEALTH INSURANCE (AMENDMENT) BILL 2012**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE ÁRACHAIS SLÁINTE (LEASÚ), 2012 —AN COISTE

HEALTH INSURANCE (AMENDMENT) BILL 2012 —COMMITTEE STAGE

*Leasuithe
Amendments*

SECTION 2

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

“2.—This Act shall not come into effect until the State is considered to be compliant with the ruling in the ECJ Case 82/10 on 29 September 2011 that Ireland has failed to fulfil its obligations by failing to apply to all insurance undertakings on a non-discriminatory basis the European Insurance legislation in its entirety and particularly Articles 6, 8, 9, 13 and 15 to 17 and amending Directives 73/239 and 88/357 as amended by Directive 2005/68 and that Ireland is also compliant with the subsequent letter of Formal Notice related to this decision issued on 27 February 2012.”.

—*Senator Sean D. Barrett.*

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

“2.—Sections 19 to 34 and the Schedule of the Principal Act are amended to transfer all powers, responsibilities and staff of the Health Insurance Authority to the Central Bank of Ireland under the authority of the Head of Financial Regulation with references to the Minister replaced by “the Minister and the Head of Financial Regulation of the Central Bank of Ireland.”.”.

—*Senator Sean D. Barrett.*

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

“2.—Section 26(3) of the Principal Act is amended by substituting “with the consent of the Head of Financial Regulation” for “with the consent of the Minister.”.”.

—*Senator Sean D. Barrett.*

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

“2.—The Central Bank of Ireland shall conduct an annual actuarial analysis of the health insurance market in Ireland with respect to the solvency positions of the various market participants operating within the State.”.

—*Senator Sean D. Barrett.*

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

[SECTION 2]

“2.—The Central Bank of Ireland shall conduct a bi-annual internationally peer-reviewed study to be referred to as the “Suitability Analysis” that reviews age profiles, costs, care provision, and the financial variables considered to be important to the sustainability of the health insurance market and health care provision in Ireland.”.

—*Senator Sean D. Barrett.*

6. In page 4, line 35, to delete “old.”, and substitute the following:

“old,

(e) the imperative to ensure that all persons receive, in due time and to the highest standard possible, health services on the basis of need alone and not on the basis of ability to pay.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

SECTION 3

7. In page 4, paragraph (a), between lines 39 and 40, to insert the following:

“(i) “the Authority” means the Health Insurance Authority established under section 20 of the Principal Act and directed by the Head of Financial Regulation of the Central Bank of Ireland.”.

—*Senator Sean D. Barrett.*

SECTION 4

8. In page 6, lines 12 to 14, to delete paragraphs (b) and (c).

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 5

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 6

Section opposed.

—*Senator Sean D. Barrett.*

SECTION 7

9. In page 11, paragraph (a)(i), line 7, after “ “31”, ” to insert the following:

“this notice period shall also apply to hospital and other medical care costs,”.

—*Senator Sean D. Barrett.*

SECTION 9

10. In page 11, line 30, to delete “change” and substitute “reduce”.

—*Senator Sean D. Barrett.*

[SECTION 9]

11. In page 11, line 37, to delete “change” and substitute “reduce”.
—*Senator Sean D. Barrett.*
12. In page 12, line 2, to delete “change” and substitute “reduce”.
—*Senator Sean D. Barrett.*

SECTION 13

13. In page 13, lines 47 and 48, to delete all words from and including “(other” in line 47 down to and including “undertakings)” in line 48.
—*Senator Sean D. Barrett.*
14. In page 15, line 25, after “Finance” to insert the following:
“and the Head of Financial Regulation of the Central Bank of Ireland.”
—*Senator Sean D. Barrett.*

SECTION 14

15. In page 16, line 37, to delete “a determination” and substitute “an estimation”.
—*Senator Sean D. Barrett.*

SECTION 15

16. In page 17, to delete lines 38 and 39.
—*Senator Sean D. Barrett.*
17. In page 20, line 18, after “Reform” to insert “and each House of the Oireachtas”.
—*Senator Sean D. Barrett.*
18. In page 20, line 29, after “Minister” to insert “for Public Expenditure and Reform”.
—*Senator Sean D. Barrett.*
19. In page 22, lines 10 and 11, to delete “before 1 January 2013” and substitute the following:
“before the expiration of 30 days following the coming into effect of this Act”.
—*Senator Sean D. Barrett.*

SECTION 17

20. In page 25, line 16, after “officers” to insert the following:
“with professional qualifications in insurance stipulated by the Head of Financial Regulation of the Central Bank of Ireland”.
—*Senator Sean D. Barrett.*

SECTION 19

21. In page 31, before section 19, to insert the following new section:

[SECTION 19]

“19.—*Section 13* shall, cease to be in operation on and from 1 January 2014, unless a resolution has been passed by each House of the Oireachtas resolving that that section should continue in operation.”.

—*Senator Jillian van Turnhout.*

SECTION 21

22. In page 48, to delete lines 1 to 5.

—*Senator Sean D. Barrett.*

SECTION 22

23. In page 55, before section 22, to insert the following new section:

“22.—The application of the European Union Framework for State Aid in the Form of Public Service Compensation to the Voluntary Health Insurance Board shall only take effect taking into consideration the implicit subsidy through its sponsorship by the State quantified by the Private Health Insurance Advisory Group (2007) at €25m to €45m per annum, the recognition in the White Paper (1999) of “a compelling case for change in VHI’s corporate status” and “the perceived problems in relation to the dual role of the Minister for Health and Children as “owner of VHI and regulator of the private health insurance market, the excess costs of VHI unrelated to ageing as noted in the Milliman Report (2010) and the presentation of any evidence (absent heretofore) that competing health insurance companies have denied cover to old or sick people or of market failure.”.

—*Senator Sean D. Barrett.*

24. In page 55, before section 22, to insert the following new section:

“22.—A series of age recruitment ratios will be issued by the Health Insurance Authority under the advice and consent of the Financial Regulator which will be evaluated and re-issued annually.”.

—*Senator Sean D. Barrett.*