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**AN BILLE SLÁINTE (SEIRBHÍS LIA-CHLEACHTÓIRÍ  
GINEARÁLTA), 2014  
HEALTH (GENERAL PRACTITIONER SERVICE) BILL 2014**

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**EXPLANATORY MEMORANDUM**

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**Purpose of Bill**

The purpose of this Bill is to amend the Health Act (1970), as amended, in order to provide for a general practitioner service to be made available without fees to all children aged five years and younger.

**Main Provisions of the Bill**

*Section 1* provides that in the Bill “Act of 1970” means the Health Act 1970 and that references to “Minister” means the Minister for Health.

*Section 2* amends the existing legislation relating to appeals under the Health Act 1970. It provides that the current HSE appeals process is extended to decisions regarding the operation of the new GP service for all children aged five years and younger and also provides that the Director-General of the HSE appoints persons to carry out appeals. It clarifies that, where the person carrying out an appeal is an employee of the HSE, that person shall hold a grade senior to the original decision maker. The existing provision in the Act that the Minister may make regulations in respect of the appeals process is re-stated without change.

*Section 3* amends the existing ‘ordinarily resident’ framework in the Health Act 1970 to reflect changes made in Section 2 and extends the framework to include the new GP service for all children aged five years and younger.

*Section 4* removes children who have not yet attained the age of six years from the existing GP service under the medical card scheme under section 58 of the Health Act 1970 as they will be covered by the new service under section 58B.

**Section 5** provides for the insertion of sections 58B and 58C into the Health Act 1970.

Section 58B provides that the HSE shall make available a general practitioner service without fees to all children aged five years and younger. It provides that a parent or guardian of a child seeking access to this service provide to the HSE such evidence as it considers necessary to demonstrate entitlement to the service and where such evidence is not provided the HSE may treat the child as

if he or she is not entitled to the service. Where possible, the HSE will offer a choice of GP to those accessing this service.

Section 58C provides that the HSE will be entitled to enter into a contract with any suitably qualified and vocationally trained General Practitioner for the provision of GP services to all children aged five years and younger. However, the HSE may enter into a contract for relevant services with any registered medical practitioner who already holds a GMS contract for the six month period following commencement of the section.

The contract shall specify the services to be provided by the GP. The Minister for Health may by regulation, with the consent of the Minister for Public Expenditure and Reform, fix the rates of fees and allowances to be paid to GPs for services provided under these contracts. The section requires that the Minister in making a regulation for this purpose must engage in consultations and prescribes the role of the Minister and HSE, the nature and manner of the consultations and the considerations to which the Minister must have regard in making regulations. Where the rates fixed by regulation under this section are varied under subsequent regulations, a GP who does not wish to continue providing services may terminate his/her contract by giving the HSE three months' notice.

*Section 6* is a technical amendment necessary to enable the seamless implementation of section 2, which extends the existing eligibility appeals process to the new GP service for all children aged five years and younger.

*Section 7* states the short title of the Act, provides for the collective citation of this and prior Health Acts as the Health Acts 1947 to 2014 and includes a standard provision relating to commencement of the provisions of the Bill.

*Department of Health,  
April, 2014.*