



Bill Digest

Health and Social Care Professionals (Amendment) Bill 2018

Bill No. 106 of 2018

Niall Watters
Senior researcher (Public Administration)

Abstract

The [Health and Social Care Professionals \(Amendment\) Bill 2018](#) proposes to amend the [Health and Social Care Professionals Act 2005](#) (specifically section 38) so that any non-Irish health (and social care) professional qualification which was recognised in the State prior to the introduction of statutory registration with [Health and Social Care Professionals Council \(CORU\)](#) will be recognised for the purposes of registration under the Act.

A Bills Tracker page on the Bill is available [here](#).

Monday

15 October 2018



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Bill published 1 October 2018¹: Second Stage Debate 17 October 2018.

This Digest may be cited as:

Oireachtas Library & Research Service, 2018. *Bill Digest - Health and Social Care Professionals (Amendment) Bill 2018*

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¹ While the publication of the Bill is listed on the Oireachtas website as 27 September 2018, the Bill was not accessible until 1 October 2018.

Summary

The [Health and Social Care Professionals \(Amendment\) Bill 2018](#) seeks to amend certain provisions of the Principal Act, the [Health and Social Care Professionals Act 2005](#).²

The main purpose of the Bill is to provide that any non-Irish health (and social care) professional qualification which was recognised in the State prior to the introduction of the Health and Social Care Professionals Council ([CORU](#)), established by the Principal Act, will not have to be re-recognised for the purposes of registration under the Act.³

Background and policy context

The [Health and Social Care Professional Act 2005](#) (the Principal Act) established [CORU](#), the Health and Social Care Professionals Council, as well as its committees and registration boards to regulate a range of designated health and social care professions.

The 15 professions currently designated under the Act are the professions of:⁴

- Clinical biochemist;
- Dietitian;
- Dispensing optician;
- Medical scientist;
- Occupational therapist;
- Optometrist;
- Orthoptist;
- Physiotherapist;
- Podiatrist;
- Psychologist;
- Radiographer;
- Radiation therapist;
- Social care worker;
- Social Worker; and
- Speech and language therapist.

The public policy aim of the Principal Act is to provide clarity for and protect the public who avail of the services provided by health and social care professions. Under the Principal Act, CORU's role is to protect the public by promoting high standards of professional conduct, education, training and competence through statutory registration of health and social care professionals.

² Revised Principal Act (with subsequent amendments as per Law Reform Commission) available [here](#).

³ Department of Health, 2018. Explanatory Memorandum – Health and Social Care Professionals (Amendment) Bill 2018. Available [here](#). Note: text 'social care' added by L&RS.

⁴ [Section 4, Health and Social Care Professional Act 2005](#). Note: in understanding which health and social care professions are designated for regulation and which are currently regulated, it is important to draw a distinction between those set out in the Principal Act (15 at present as listed above) and those that are listed by CORU i.e. 17. Over the course of the Digest this accounts for differences in the numbers of such professions referred to. This due in part to the provisions of [Health \(Miscellaneous Provisions\) Act 2014](#) which amended the [Health and Social Care Professionals Act 2005](#) to provide for the application of that Act to the health or social care professions of optometrist and dispensing optician. The 2014 Act also provided for the division of the health or social care profession of radiographer into the two health or social care professions of radiographer and radiation therapist. Finally the 2004 Act permitted a Registration Board to be the registration board of two or more designated professions “to introduce uniformity between that Act and certain provisions of other Acts which regulate health or social care professions that are not regulated by that Act”. In the case of Counsellors and Psychotherapists, there are listed by CORU as “awaiting Ministerial designation”, see Figure 2 below.

Changes proposed by the Bill

The Bill proposes to amend the Principal Act to provide for the recognition of certain professional qualifications as approved qualifications for the purposes of registration with the relevant profession's Registration Board. A summary of the Bill's provisions are set out in Table 1 below.

Table 1: Summary of the Bill's provisions

Section	Title	Effect
1.	Definitions	The Principal Act is the Health and Social Care Professionals Act 2005 .
2.	Amendment of Section 3 of the Principal Act	Amends the definition of qualification in the interpretation section of the 2005 Act
3.	Amendment of Section 38 of the Principal Act	Amends section 38 of the 2005 Act (Registration in register of designated profession) to provide for the registration of persons who do not fall within the current categories but who hold a recognised <i>relevant professional qualification</i> . This has the effect of providing an additional route for registration in respect of approved professional qualifications under the 2005 Act. ⁵
4.	Insertion of additional Schedule to Principal Act	Provides for the insertion of a fourth schedule in to the 2005 Act setting out the list of 'Relevant Designated Professions' and corresponding 'Relevant Persons'.
5.	Short title	Standard provision that defines the short title of the Bill i.e. <i>Health and Social Care Professionals (Amendment) Act 2018</i> . It should be noted that there is commencement provision which means that Bill's provisions will commence immediately on enactment.

Compiled by the Oireachtas L&RS based on [Health and Social Care Professionals \(Amendment\) Bill 2018](#)

⁵ For more details on the other approved routes for registration in respect of approved qualifications, see the 'Principal provisions' section below.

Introduction

The [Health and Social Care Professionals \(Amendment\) Bill 2018](#) (hereafter ‘the Bill’) amends the [Health and Social Care Professionals Act 2005](#). The main purpose of the Bill is to provide that any non-Irish health professional qualification which was recognised in the State prior to the introduction of the Health and Social Care Professionals Council ([CORU](#)) will not have to be re-recognised for the purposes of the registration under the Act.^{6 7}

Under the Principal Act, one of the requirements for registration with CORU is that the applicant must hold an approved qualification. The Principal Act provides a number of routes for the recognition of approved qualifications.

The Bill was published on the Oireachtas website on 27 September 2018.⁸ There was no press release accompanying publication of the Bill. However, the [Explanatory Memorandum](#) to the Bill states that the Bill:⁹

“...adds a new route which provides that any non-Irish health professional qualification, which was recognised by either the Minister or by Bodies acting on behalf of the State prior to the introduction of statutory registration for a health and social care professional, will be considered an “approved qualification” under [the Act with] no requirement for assessment by CORU”¹⁰

Structure of Bill Digest

The Bill Digest is structured around the following sections:

- Background and policy context;
- Principal provisions; and
- Commentary and financial implications.

⁶ Department of Health, 2018. Explanatory Memorandum – Health and Social Care Professionals (Amendment) Bill 2018. Available [here](#).

⁷ CORU is the State’s multi-profession health regulator. Its role is to protect the public by promoting high standards of professional conduct, education, training and competence through statutory registration of health and social care professionals. CORU was established under the *Health and Social Care Professionals Act 2005* (as amended). CORU is comprised of the Health and Social Care Professionals Council and the Registration Boards, one for each profession named in the Act.

⁸ Although the Bill was published on the Oireachtas website on this date, it was not accessible until 1 October.

⁹ Department of Health, 2018. Explanatory Memorandum – Health and Social Care Professionals (Amendment) Bill 2018. Available [here](#).

¹⁰ Additional text inserted by Oireachtas L&RS

Background and policy context

This section looks at the general background and policy context of the Bill. In particular, it looks at the rationale informing the regulation of health and social care professions, the subsequent Principal Act, structures, and recent developments including those around approved qualifications in the context of registration.

The regulation of health and social care professionals: why and how?

In April 2000, the then Department of Health and Children launched a consultation process on statutory registration with professional bodies. This followed the [Report of the Expert Group on Various Health Professions](#). At that time, only five health and social care professions were subject to statutory registration. These were: doctors, dentists, nurses, opticians and pharmacists:¹¹ Other professionals had informal or voluntary systems of registration organised by their respective professional body, but such a system has no basis in law.

The Report of the Expert Group on Various Health Professions recommended the introduction of legislation to provide a framework for the regulation of the health [and social care] professions. It stated that the:¹²

“main purpose of statutory registration is to protect the public, and to provide a structure for the appraisal and approval of training courses, examinations, qualifications and institutions, thus ensuring the proper development of education and training for certain health professions”.

Subsequently, the 2001 Health Strategy ([Quality and fairness – A Health System for you](#)) committed to introducing legislation providing for statutory registration of other health professional groups to meet quality and accountability objectives:¹³

“At present, five professions are subject to statutory registration: doctors, nurses, pharmacists, opticians and dentists. New legislation will provide for the statutory registration of a number of other health professional groups. The Government is committed to strengthening existing legislation regarding registration of certain professions, such as doctors, nurses and pharmacists. In addition, new legislation will be introduced for the registration of health and social care professionals including physiotherapists, occupational therapists, social workers, child care workers and others.”

The rationale provided in the 2001 Health Strategy for the regulation of health and social care professions was stated as follows:¹⁴

“The primary purpose of statutory registration is to protect and guide members of the public, so that they can be confident that the professional treating them is fully qualified and

¹¹ *Statutory Registration for Health and Social Professionals: proposals for the way forward*, Department of Health and Children, October 2000, available [here](http://www.dohc.ie/publications/statutory_registration_for_health_and_social_professionals.html).

¹² Report of the Expert Group on Various Health Professions, 2000, Available [here](#).

¹³ *Health Strategy 2001*, available [here](#).

¹⁴ Department of Health, 2001: 123. “Quality and fairness: A health system for you”. Department of Health: Dublin. Available [here](#).

competent. Registration also provides the facility for legal action against the very small number of professionals who may harm patients or clients and bring their profession into disrepute through professional misconduct or serious illness...The legislation for professionals already registered, and for health and social care professionals being registered for the first time, will provide for consumer representation on the relevant statutory registration bodies, to ensure that the views of service users are represented. The legislation will also enable registration boards to provide for a system requiring re-accreditation of professionals at regular intervals, based on a structured system of continuing education and training.”

Health and Social Care Professionals Act 2005

The commitment made in the 2001 Health Strategy was met in the [Health and Social Care Professionals Act 2005](#). The Act introduced a system of statutory registration for designated health and social care professionals. Introducing the Bill, the then Minister for Health Mary Harney, TD, stated that:¹⁵

‘Statutory registration is best described as a system whereby individual members of a profession are recognised by a specified body as being competent to practise within that profession under a formal mechanism provided for by law.’

Overview of current system

The Principal Act, as amended, currently provides for a system of statutory registration for 15 ‘professions’: clinical biochemist, dietitian, dispensing optician, medical scientist, occupational therapist, optometrist, orthoptist, physiotherapist, podiatrist, psychologist, radiographer, radiation therapist, social care worker, social worker and speech and language therapists. The Principal Act further empowers the Minister to designate additional health and social care professionals who meet certain criteria.

The Principal Act provides for:

- The establishment and functions of **CORU** (The Health and Social Care Professionals Council)
- **Registration boards** for designated health and social care professions under the ambit of CORU;
- The **registration of persons qualified to use the title** of a designated profession; and
- The determination of **fitness to practise complaints** for these professions.

Regulation of the health and social care professionals under the Act is primarily by way of statutory protection of professional titles confining their use solely to persons granted registration. The structure of statutory regulation comprises the Council, registration boards, and a committee structure to deal with disciplinary matters.

The Principal Act provides for “grandfathering” which is a transitional period of two years during which existing practitioners of a newly designated profession must register on the basis of

¹⁵ Seanad Éireann, Vol. 178, 09/11/2004 col. 899. Available [here](#).

specified qualifications. Only registrants of a registration board, subject to the Act's regulatory regime, are entitled to use the relevant protected title.¹⁶

Health and Social Care Professionals Council (CORU)

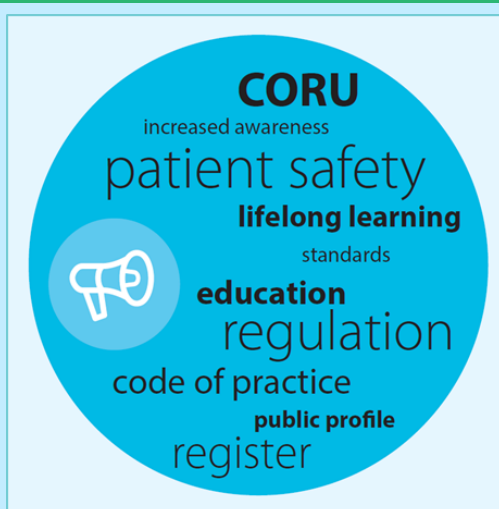
CORU was established in March 2007 under the Health and Social Care Professionals Act 2005



(as amended).^{17 18} It is a regulator whose key function is to establish and oversee the registration system, which will comprise 14 Registration Boards, one for each of the professions listed in the Principal Act.¹⁹ When all the registration boards are in place it will be responsible for the regulation of

approximately 25,000 professionals.²⁰ Box 1 outlines the functions of the Council in more detail.

Box 1: Functions of the Health and Social Care Professionals Council (CORU)



The main function of the Council is to provide / oversee the statutory registration of designated professions, with a system in place that will allow for:

- Additional Health and Social Care professions to be designated on approval by the Minister for Health and Children;
- Enforcement powers through a fitness to practise regime; and
- Establishment of standards in education, practice and policy and codes of ethics and conduct.

The aim of the Council is to progress the implementation of the Act including:

- The establishment of registration boards and registers for each of the 14 professions;²¹
- Approval for Education and Training courses;
- Dealing with Complaints, Inquiries and Discipline; and
- Protection of Professional Titles; and other matters.

Other functions under the Act include:

- To oversee and co-ordinate the activities of the registration boards;
- To establish dedicated statutory registration boards for each of the professions and to oversee the work of these boards – including the establishment of registers for each profession;
- To provide administrative support to the registration boards and their committees;
- To enforce standards of practice and education for registrants of the designated professions including codes of professional conduct and ethics adopted by the registration boards;
- Developing mechanisms concerning complaints, inquiries and discipline that will meet the requirements of the Act including:
 - *To establish committees of inquiry into complaints against registrants of the designated professions.*
 - *Make decisions and give directions relating to the imposition of disciplinary sanctions on registrants of the designated professions.*
- To make statutory rules providing for any matters relating to the Council's functions; and'
- A range of other tasks under the Act in relation to such matters as Education and Training and Professional Titles.

Source: Compiled by the Oireachtas L&RS from the CORU website, available [here](#).

¹⁶ Ibid.

¹⁷ Information on the Council in this section is taken from the website. Link at: <http://www.coru.ie/>

¹⁸ "The name CORU originates from an Irish word, 'cóir' meaning fair, just and proper. These are values that resonate deeply within our organisation, and perfectly reflect our commitment to protecting the public by regulating health and social care professionals. CORU is not an acronym." *Source: www.coru.ie/en/faq*

¹⁹ As noted above, it should be kept in mind that while Radiographers and Radiation Therapists are listed in Section 4 of the Principal Act separately as designated professions, for the purposes of CORU registration both fall under the ambit of the Radiographers Registration Board. See more [here](#).

²⁰ [CORU meeting with Minister for Health, Simon Harris, March 2017](#)

²¹ See footnote 19 above.

As of December 2017, CORU is responsible for the regulation of the professions depicted in Figure 1 below.

Figure 1: Professions currently regulated by CORU



Clinical Biochemists



Dieticians



Medical Scientists



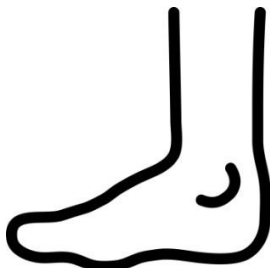
Occupation Therapists



Orthoptists



Physiotherapists



Podiatrists



Counsellors & Psychotherapists²²



Radiographers / Radiation Therapist²³



Social Care Workers



Speech and Language Therapists



Optometrists & Dispensing Opticians



Social Worker



Psychologist

Source: Compiled by the L&RS

²² The professions of Counsellors and Psychotherapist are in what CORU's refers to as pre-designation and are therefore "awaiting Ministerial designation". See figure 2 below.

²³ It should be noted that Radiographers and Radiation Therapist are listed separately as designated professions under the Act. They are however treated as one profession under CORU's Radiographers Registration Board. See more from CORU [here](#).

The professions to be regulated by CORU are:²⁴

- Clinical Biochemists;
- Counsellors and Psychotherapists (*two separate professions to be regulated by one Registration Board*);
- Medical Scientists;
- Orthoptists;
- Podiatrists;
- Psychologist; and
- Social Care Workers

CORU currently has registers open for the following professions:

- Dietitians / Dieticians;
- Occupational Therapists;
- Physiotherapists;
- Radiographers and Radiation Therapists (*two separate professions to be regulated by one Registration Board*);
- Social Workers;
- Speech and Language Therapists / Speech Therapists; and
- Optometrists and Dispensing Opticians (*two separate professions to be regulated by one Registration Board*).

Registration boards

Each designated profession, 15 currently under the Act, has (or will have) its own or be part of a Registration Board. The Registration Board is responsible for the registration of members of that profession – see box 2 below.

Box 2: Registration Board's under CORU explained

What is a registration board?

A separate Registration Board is established for each of the designated professions, currently fourteen. The objective of each board is to protect the public by fostering high standards of professional conduct, education, training and competence among those registered.

Each Registration Board consists of 13 voluntary members with a lay majority as follows: 6 are elected by registrants of their profession (3 engaged in the practice of that profession, 2 engaged in the management of services provided by it and one in the education and training of it). The remaining 7 are appointed by the Minister (one from the management of the public health sector, the social care sector or both, one from a voluntary or private sector organisation concerned with health or social care, one involved in the training of that profession and 4 representing the interest of the general public). The ordinary term of office for members of Registration Boards is not more than 4 years and no longer than two consecutive terms.²⁵

Source: <http://www.coru.ie/en/faq>

At the time of writing, 10 of the proposed 14 registration boards have been established. Figure 2 below shows the status of the establishment of registration boards for all designated professions, including 'to be designated professions' as at December 2017.

²⁴ CORU website – What is CORU? Available [here](#).

²⁵ See Schedule 2 (3) of the Principal Act. Available [here](#).

Figure 2: Registration Boards by phase of development, as of December 2017.



Source: CORU Annual Report, 2017. Available [here](#).

In Figure 2 above the following apply:

Pre-designation:

This is where it is intended to regulate a profession. The profession is not yet prescribed under the Act, A Registration Board is not yet established and members have not been appointed.

Pre-

establishment: In this phase, a Ministerial decision has been made to establish a Registration Board to regulate a named profession. The members of the Registration Board have not been appointed and thus the Registration Board has not yet been appointed.

Establishment: This is where a Registration Board has been established, members appointed and its first meeting has taken place. The Registration Board may in this phase begin a process of public consultation with members of the profession and stakeholders in preparation for the establishment of a register. During this phase, as indicated, the register is not open.

Transition: In this phase, the Registration Board has opened the register for members of the profession to apply for statutory registration. Existing practitioners are required to apply for registration over a two year period from the date of opening the register. After the two year transition period, the title of the profession will become legally protected.

Business as Usual: The final phase refers to where the Registration Board for the profession is established, the register is open, the two year transition period has passed and the title of the profession is legally protected.

By means of example, Box 3 below provides an overview of one registration board, the Speech and Language Therapists Registration Board.

Box 3: Overview of one registration Board

Speech and Language Therapists Registration Board

The Minister for Health appointed the Speech and Language Therapists Registration Board on 14 February 2013. The Register opened on 31 October 2014. The Speech and Language Therapists Registration Board at CORU has statutory responsibility for the:

- Establishing and maintaining a Register of members of speech and language therapists
- Assessing, approving and monitoring training courses for the professions
- Establishing the code of professional conduct and ethics and standards of performance to which speech and language therapists must adhere.

The Board is the designated Competent Authority²⁶ and is responsible for recognition of qualifications gained outside the State.

Source: http://www.coru.ie/en/about_us/registration_boards

Registers

A Registration Board maintains and publishes a statutory Register for the relevant health and social care professionals who meet prescribed standards. The Register lists the professional name, registration number, county of employment and other relevant details of each registrant legally entitled to use the title of the profession.

Members of the public can check whether a person is on the Register. Only those professionals who have met CORU's standards including holding approved qualifications will be listed.

Table 2: Benefits of registration to professions and the public

Benefits to the profession	Benefits to the public
<ul style="list-style-type: none"> • If practitioners are registered with CORU they can legally use the title of their profession; • Members of the public will have greater confidence in the profession. They will know that a practitioner's professional standing and qualifications have been independently verified; • Practitioners are supported in their work through a code of professional conduct and ethics which is developed in consultation with the professions; and • Registration protects the reputation of the professions by having a formal disciplinary procedure for dealing with professionals who do not meet the standards expected of them. 	<p><i>Registration protects the public by:</i></p> <ul style="list-style-type: none"> • Providing health and social care professionals with a Code of Professional Conduct and Ethics that includes the standards of performance expected of them as they practise their profession; • Requiring educational bodies to deliver qualifications that prepare professionals to provide safe and appropriate care; • Requiring registered professionals to undertake continuing professional development so that they keep their skills up to date; • Allowing the publishing of a Register of names of those professionals who meet the specified standards; and • Allowing the running of Fitness to Practise hearings, if necessary, into the conduct and competence of a registrant, after a complaint is made.

Source: CORU website, see [here](#).

Table 3 below shows that there were 12,574 professionals across eight designated professions registered with CORU as at the end of 2017. The designated profession with the largest number of registrants as of the close of 2017 was Social Work, accounting for over 4,000 registrants.

²⁶ "Competent Authority" means any regulatory or professional body empowered by the State to validate professional qualifications obtained in a country other than the Republic of Ireland". See [here](#).

Table 3: Number of professionals registered with CORU up to 12/2017.

Profession	No. of Registrants
Social Workers	4,237
Radiographers / Radiation Therapists	2,413
Dietitians	865
Speech and Language Therapists	1,684
Occupational Therapists	2,237
Optometrists	804 ²⁷
Dispensing Opticians	185
Physiotherapists	148
Total	12,574

Source: CORU Annual Report 2017. Available [here](#).

What is a protected title?

A protected title is the professional title of the designated health and social care professions named under the *Health and Social Care Professionals Act 2005*. A registrant of a profession is entitled to use the title specified for that profession.

Relevant qualifications and the registered health and social care professions

Under the Principal Act, one of the functions of CORU's Registration Boards is statutory registration of relevant professionals to protect the public. CORU does this by establishing and maintaining a register for each of the professions that fall under its remit.²⁸

Under CORU's registration requirements (see Table 4 below) for respective health and social care professionals, each profession is set specific qualification criteria which are a prerequisite for membership of that register.

Table 4: CORU Registration Requirements

Existing practitioners	New entrants
<p>For existing practitioners who do not hold an approved qualification, applicants must:</p> <ul style="list-style-type: none"> • Complete the application process and provide all supporting documentation • Satisfy the Registration Board that you have been engaged in the practice of the profession for the required period • Hold the relevant qualifications or have successfully completed an assessment of professional competence • Demonstrate you are fit and proper to practise the profession • Verify that you have read, understood and agree to abide by a Code of Professional Conduct and Ethics • Pay the required fee • Complete an eVetting Invitation Form 	<p>New entrants to the professions in Ireland, who hold approved qualifications (graduates, those who have been practising abroad or those returning to the profession) must:</p> <ul style="list-style-type: none"> • Complete the application process and provide all supporting documentation • Demonstrate you are fit and proper to practise the profession • Verify that you have read, understood and agree to abide by a Code of Professional Conduct and Ethics • Satisfy the Board that you have sufficient knowledge of the language necessary to practise the profession in Ireland. This may include undertaking a language test. • Pay the required fee • Complete an eVetting Invitation Form

Source: CORU Website – Registration requirements. Available [here](#).

²⁷ Excludes one visiting EEA Optometrist

²⁸ http://www.coru.ie/en/registration/what_is_registration

Each profession has its own Registration Board which has responsibility for the registration of members of that relevant profession. Among other responsibilities,²⁹ each Registration Board in the context of this Bill is responsible for:

- Recognising qualifications gained outside the State; and,
- approving and monitoring education and training programmes for entry to the register.

The relevant profession's Registration Board recognises approved qualifications held by applicants of that profession. Table 5 below shows the qualifications required for the respective designated professions at present. For existing practitioners with one of the listed qualifications in respect of the profession, they can apply to register with CORU during the two year period after a Register opens. Following this transitional period, only qualifications approved by a Registration Board will be considered.³⁰

For qualifications gained outside of Ireland, registration with CORU requires the name of the 'competent authority' and the date of the 'letter of recognition/accreditation'. For new entrants however with international qualifications, such persons much have their qualification recognised by CORU prior to applying for registration.

Where the relevant Registration Board does not consider a qualification to be sufficiently relevant or of a standard not lower than the qualifications set out in table 5 (derived from schedule 3 of the Principal Act), applications must undergo an '[assessment of professional competence](#)'. For applicants who do not hold a listed professional qualification, there is a requirement to complete the 'assessment of professional competence'.³¹

Box 3: Assessment of professional competence

If persons applying for registration under the ACT do not hold an approved, Schedule 3 or sufficiently relevant qualification, they must undertake an **Assessment of Professional Competence** in order to apply for registration. The purpose of the assessment is to prove that:

- The applicant have been engaged in the practice of the profession
- The application can meet the standards of proficiency for the profession

To qualify for an assessment of professional competence the applicant must demonstrate that they have a minimum amount of practice (as specified by the Registration Board for the relevant profession).

The Assessment of Professional Competence is based on the standards of proficiency for your profession. The level of competence required includes the standards of performance expected of all practitioners as outlined in the Code of Professional Conduct and Ethics for a profession.

Source: Compiled by Oireachtas L&RS based on CORU website – Assessment of professional competence. Available [here](#).

²⁹ The Registration Board is responsible for:

- Establishing and maintaining the register of members for that profession
- Recognising qualifications gained outside the State
- Approving and monitoring education and training programmes for entry to the register
- Setting the code of professional conduct and ethics giving guidance to professionals on Continuing Professional Development (CPD)

³⁰ CORU Website – Schedule qualifications. Available [here](#).

³¹ CORU Website – Qualifications. Available [here](#).

Table 5: Qualifications required by 12 existing health and social care professionals (as currently set out in Schedule 3 of the Principal Act)

PROFESSION	QUALIFICATION
Clinical Biochemists 	<ul style="list-style-type: none"> Degree in which biochemistry was taken as a subject in the final examination.
Dietitians 	<ul style="list-style-type: none"> Bachelor of Science (Honours) in Human Nutrition and Dietetics from the TCD and Diploma in Human Nutrition and Dietetics from the DIT, or Diploma in Dietetics and Nutrition from the City of Dublin VEC awarded after 1976 and before 1987, or Diploma in Dietetics from the City of Dublin VEC awarded after 1951 and before 1977.
Medical Scientists 	<ul style="list-style-type: none"> Bachelor of Science (Applied Sciences) (Honours) (Biomedical option) from TCD/the DIT Kevin Street, or Bachelor of Science (Honours) in Biomedical Science from the Joint UCC — CIT course, or Diploma in Medical Laboratory Sciences awarded before 1994 by the DIT or the CIT, or Certificate in Medical Laboratory Sciences awarded before 1997 by the DIT Kevin Street, the CIT or the GMIT.
Occupational Therapists 	<ul style="list-style-type: none"> Bachelor of Science (Honours) in Occupational Therapy from the TCD, or Master of Science in Occupational Therapy (Professional Qualification) from UL, or Diploma of the College of Occupational Therapy.
Orthoptists 	<ul style="list-style-type: none"> Diploma of British Orthoptics, or Bachelor of Medical Science in Orthoptics, or Bachelor of Medical Science (Honours) in Orthoptics, or Bachelor of Science (Honours) in Orthoptics.
Physiotherapists 	<ul style="list-style-type: none"> Bachelor of Science (Honours) in Physiotherapy from the TCD, or Bachelor of Science in Physiotherapy from the Royal College of Surgeons of Ireland, or Bachelor in Physiotherapy (Honours) from the NUI, or Diploma in Physiotherapy of the NUI or of the TCD.
Podiatrists 	<ul style="list-style-type: none"> Bachelor of Science in Podiatry.
Psychologists 	<ul style="list-style-type: none"> A recognised University degree or diploma obtained with first or second class honours in which psychology was taken as a major subject and honours obtained in that subject.
Radiographers 	<ul style="list-style-type: none"> Diploma of the College of Radiographers, London, or Bachelor of Science (Radiography) from the NUI, or Bachelor of Science (Therapeutic Radiography) from the TCD.
Social Care Workers 	<ul style="list-style-type: none"> National Diploma in Child Care awarded by the Higher Education and Training Awards Council/DIT, or National Diploma in Applied Social Care Studies awarded by the HETAC/DIT, or Diploma in Social Care awarded by the HETAC/DIT, or Diploma in Applied Social Studies/Social Care from the DIT, or Open Training College National Diploma in Applied Social Studies (Disability).
Social Workers 	<ul style="list-style-type: none"> National Qualification in Social Work awarded by the National Social Work Qualifications Board, or Certificate of Qualification in Social Work awarded by the Central Council for Education and Training in Social Work, U.K.
Speech & Language Therapists 	<ul style="list-style-type: none"> Bachelor of Science (Clinical Speech and Language Studies) from TCD, or Bachelor of Arts (Moderatorship) (Remedial Linguistics) from TCD, or Bachelor of Arts (Remedial Linguistics) from the TCD, or Master of Science in Speech and Language Therapy (Professional Qualification) from UL, or Licentiatehip of the College of Speech Therapists.

Source: Oireachtas L&RS, adapted from Schedule 3, *Health and Social Care Professionals Act 2005* (Revised Act sourced from Law Reform Commission website). Available [here](#).

Principal provisions

This section examines the principal provisions of the Bill. The Bill is a short and technical Bill comprised of five sections, only one of which (section 3) is substantive. Before looking at section 3, the other sections are briefly examined:

- Section 1 defines the Principal Act as the [Health and Social Care Professionals Act 2005](#);
- Section 2 proposes an amendment to the definition of “qualification” in section 3(1) (Interpretation) of the 2005 Act;
- Section 4 inserts an additional Schedule 4 in to the 2005 Act. Schedule 3 lists the **qualifications required of existing practitioners** in respect of each of the listed professions. The new Schedule 4 lists who the ‘relevant person’ is for each ‘relevant designated profession’ (see Table 6 below). A ‘relevant person’ is the authority that recognises a ‘relevant professional qualification’ for the purposes of the Act.

Table 6: Key content of schedule 4 to be inserted by section 4 of the Bill in respect of ‘relevant designated profession’ and the ‘relevant person’ for the recognition of professional qualifications

Relevant designated profession	Relevant person
Clinical Biochemist	Minister
Dietitian	Minister
Dispensing Optician	Opticians Board
Medical Scientist	Minister, Academy of Medical Laboratory Science or Academy of Clinical Science and Laboratory Medicine
Occupational Therapist	Minister
Optometrist	Opticians Board
Orthoptist	Minister
Physiotherapist	Minister or Irish Society of Chartered Physiotherapists
Podiatrist	Minister
Psychologist	Minister
Radiographer	Minister
Radiation Therapist	Minister
Social Worker	Minster, National Validation Body on Social Work Qualifications and Training or National Social Work Qualifications Board
Speech and Language Therapist	Minister

Source: Adapted by Oireachtas L&RS from section 4 of the Bill.

Section 5 provides for the short title of the Act, that is the *Health and Social Care Professionals (Amendment) Act 2018*. There is no commencement section in the Bill which means the provisions will take effect on enactment.

Recognition of approved qualifications

Section 3 is the substantive section of the Bill. It proposes to amend section 38 (Registration in register of designated profession) of the 2005 Act.

Sections 3(a)(i) and (ii) are technical amendments (addition of an apostrophe and the word “or”) which will enable the insertion of a new paragraph (e) in to section 38(2). The effect of this new

paragraph will be to recognise, for the purpose of registration in a register of designated profession³², a person holding a relevant professional qualification other than a person referred to in paragraphs (a) to (d) (see Box 4 below). A relevant professional qualification for the purpose of this section is defined as a professional qualification **that has already been recognised** by a relevant person³³ as of a standard of proficiency which rendered the holder eligible for recruitment by the Health Service Executive (or other specified body) in that profession. Recognition must have been granted either before the establishment of the register for that designated profession, or on or after the establishment of the register where an assessment for recognition was commenced by the relevant person before that date.

In respect of the designated profession of **dispensing optician** and **optometrist** recognition by the relevant person of such professional qualifications must have been granted either before, or on or after October 31 2015 (subject to assessment commencing before that date) – the date of the establishment of the Optical Registration Board.

Box 4: Routes for recognition of approved qualifications

Paragraphs (a) to (d) of section 38(2) of the 2005 Act provide routes for the recognition of approved qualifications where:

- an approved qualification was awarded in the State;
- where a professional qualification is recognised in the State in accordance with EU Directive 2005/36/EC³⁴;
- other non-Irish qualifications (outside of the application of the Directive 2005/36/EC);³⁵ and,
- existing or former health or social care practitioners holding certain historical qualifications awarded in the State.³⁶

The [Explanatory Memorandum](#) accompanying the Bill states that:

“The Bill adds a new route which provides that any non-Irish health professional qualification, which was recognised either by the Minister or by Bodies acting on behalf of the State prior to the introduction of statutory registration for a health and social care profession, will be considered to be an “approved qualification” under the Act with no requirement for assessment by CORU.”

Section 3(b) inserts a new subsection (2G) into section 38. The effect of this is recognise for the purposes of the Act, in the absence of evidence to contrary, details and evidence of an applicant’s relevant professional qualification(s).

³² Defined in section 3(c) of the Bill as one of the relevant designated professions set out in Schedule 4 (see table 6 above).

³³ Defined in section 3(c) of the Bill as the person listed opposite the relevant designated professions set out in Schedule 4 (see table 6 above).

³⁴ See [Health and Social Care Professionals \(Amendment\) Act 2012](#).

³⁵ Ibid.

³⁶ See [Health \(Miscellaneous Provisions\) Act 2014](#).

Commentary and financial implications

Given the technical nature of the Bill, there has been little formal commentary on its provisions. The Bill did not undergo Pre-Legislative Scrutiny (PLS) by referral of its General Scheme to the Oireachtas Joint Committee on Health. The Department of Health applied for and received a waiver under Standing Order 146A from the Dáil Business Committee to forego PLS on March 29 2018.

In terms of the financial implications of enacting the Bill, the Explanatory Memorandum states that the Bill “is expected to be cost neutral to the Exchequer”.³⁷ Communication from the Professional Regulation Unit in the Department of Health to the L&RS stated that no Regulatory Impact Assessment (RIA) was carried in the preparation of the Bill.

In terms of applicants to CORU, the Bill’s Explanatory Memorandum states that the Bill “will save costs to applicants whose qualifications were previously recognised either by the Minister or by Bodies acting on behalf of the Stated”.³⁸ The implication being that such applicants will not liable for costs associated with recognition of their qualifications where they were previously recognised prior to CORU’s establishment.

³⁷ Department of Health, 2018. Explanatory Memorandum – Health and Social Care Professionals (Amendment) Bill 2018. Available [here](#).

³⁸ Ibid.

Appendix 1

Types of registrant applicants for registration with professional registration boards

There are two pathways to registration for applicants:

- Existing Practitioners - also known as s.91 (of the Principal Act) applicants
- New graduates - also known as s.38 (of the Principal Act) applicants

After the Transitional Period for a register, all applicants must apply via the s.38 route. The Transitional Period covers the two years immediately following the opening of a register.

Existing Practitioners - Section 91 Applicants

This path to registration is aimed at existing practitioners.

During the first two years that a register is open - a period known as the [Transitional Period](#) - existing practitioners can apply for registration and satisfy the registration board that they meet the requirements for registration.

If an individual is an existing practitioner, they must complete the [s.91 application form](#) on the CORU website and satisfy the relevant Registration Board that:

- [they have been practising the profession for the required period; \(Proof of Professional Employment\)](#)
- hold the relevant qualifications or have successfully completed a competency test; and
- are deemed [fit and proper](#) to practise the profession.

They will also need to complete an [eVetting Invitation Form](#).

All applications after transitional period closes are treated as Section 38 applications.

New Graduates - Section 38 Applicants

This second route to registration is for:

- new entrants to the professions in Ireland;
- those who have been practising abroad; or
- those returning to the profession.

If an individual falls into one of these categories, in order to register they must:

- hold an [approved qualification](#);
- complete the [online application form](#);
- demonstrate that they are [fit and proper](#) to practise the profession; and
- satisfy the (Registration) Board that they have sufficient knowledge of the language necessary to practise the profession in Ireland – this may include undertaking a language test.

New entrants with qualifications from abroad must first have their qualifications [recognised](#) by CORU before they are eligible to apply for registration.



Contact:

Houses of the Oireachtas
Leinster House
Kildare Street
Dublin 2
D02 XR20

www.oireachtas.ie
Tel: +353 (0)1 6183000 or 076 1001700
Twitter: @OireachtasNews

Library & Research Service
<http://library>
Tel: +353 (0)1 6184701
Email: library.and.research@oireachtas.ie

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