



# **DÁIL ÉIREANN**

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## **AN BILLE UM FHEIDHMEANNACHT NA SEIRBHÍSE SLÁINTE (RIALACHAS), 2018 HEALTH SERVICE EXECUTIVE (GOVERNANCE) BILL 2018**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## AN BILLE UM FHEIDHMEANNACHT NA SEIRBHÍSE SLÁINTE (RIALACHAS), 2018 —ROGHCHOISTE

### HEALTH SERVICE EXECUTIVE (GOVERNANCE) BILL 2018 —SELECT COMMITTEE

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#### *Leasuithe Amendments*

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#### SECTION 5

1. In page 6, between lines 25 and 26, to insert the following:

#### **“Amendment of section 7 of Principal Act**

5. Section 7 of the Principal Act is amended, in subsection (5), by the substitution of the following paragraph for paragraph (c):

“(c) the policies (whether set out in codes, guidelines or other documents, or any combination thereof) and objectives of the Government or any Minister of the Government to the extent that those policies and objectives may affect or relate to the functions of the Executive.”.

—An tAire Sláinte.

2. In page 6, between lines 35 and 36, to insert the following:

“(b) in subsection (2)—

- (i) in paragraph (a), by the substitution of “subsection (1),” for “subsection (1), and”,
- (ii) in paragraph (b), by the substitution of “functions, or” for “functions.”, and
- (iii) by the insertion of the following paragraph after paragraph (b):

“(c) subject to section 10AA(1) and (3), one or more than one health needs assessment (within the meaning of section 10AA(8)) to be implemented by the Executive in the service plan prepared in accordance with section 31.”.

—An tAire Sláinte.

[SECTION 5]

3. In page 6, line 37, to delete “and” and substitute the following:

“(c) in subsection (6), by the substitution of “or issuing a direction under subsection (4) amending or revoking a direction issued under subsection (1)” for “or (4)”, and”.

—An tAire Sláinte.

SECTION 6

4. In page 7, between lines 4 and 5, to insert the following:

**“Health needs assessment**

6. The Principal Act is amended by the insertion of the following section before section 10B:

**“10AA.** (1) A direction under section 10(2)(c) shall include specific requirements to be taken into consideration by the Executive when conducting a health needs assessment.

(2) Without prejudice to the generality of subsection (1), the specific requirements referred to in that subsection may include the effects of such of the following matters on the accessibility and effectiveness of healthcare strategies implemented by the Executive as the Minister is satisfied are appropriate:

- (a) changes to national or regional distribution of population;
- (b) demographic profile of population;
- (c) lifestyle factors affecting health;
- (d) patterns of morbidity across population;
- (e) patterns of mortality across population;
- (f) social determinants of health status.

(3) (a) The Minister shall consult with the Minister for Public Expenditure and Reform before issuing a direction under section 10(2)(c).

(b) Paragraph (a) shall not be construed to prevent the Minister from consulting with any other person (including the Executive or another Minister of the Government) before issuing a direction under section 10(2)(c).

(4) The Executive shall submit a report of the findings of any health needs assessment to the Minister within the period specified by the Minister in the direction concerned under section 10(2)(c).

(5) (a) Within one month after receiving a report under subsection (4), the Minister shall—

- (i) approve the report, or
- (ii) if the Minister is not satisfied with the report, issue a

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supplementary direction under section 10(2)(c) in relation to revisions to be made to the report which, when complied with by the Executive, should, in the opinion of the Minister, remedy the deficiencies in the report.

- (b) Where paragraph (a)(ii) applies, section 10(2)(c) and the other provisions of this section (including paragraph (a)) shall be construed with all necessary modifications to take account of the supplementary direction concerned under section 10(2)(c).
- (6) The Executive shall ensure that, as soon as practicable after the approval of a report in accordance with subsection (5)(a)(i), the report is published on the Internet or in accordance with such other arrangements as the Minister may specify by notice in writing given to the Executive.
- (7) The Minister may issue guidelines in relation to the conduct of a health needs assessment and, if he or she does so, the Executive shall comply with those guidelines.
- (8) For the purposes of this section and section 10, ‘health needs assessment’ means a scientific, statistical or other systematic analysis, the purpose of which is to gather and assess information with a view to bringing about change beneficial to the health of a specified part of, or all of, the population.”.”.

—An tAire Sláinte.

SECTION 7

5. In page 7, line 17, after “members” to insert “, who shall include a patient advocate, a financial expert and two clinical experts”.

—Stephen S. Donnelly.

6. In page 7, between lines 27 and 28, to insert the following:

“(3) One member will be nominated by the Irish Congress of Trade Unions (ICTU), and shall be appointed by the Minister so long as they have sufficient experience and expertise relating to matters connected with the functions of the Executive to enable them to make a substantial contribution to the effective and efficient performance of those functions.”.

—Louise O'Reilly.

7. In page 8, between lines 22 and 23, to insert the following:

“(12) Persons being proposed by the Minister for appointment as chairperson, the deputy chairperson and the ordinary members of the Board shall be required to make themselves available to the Committee to discuss the approach which they will take to their role as Board members and their views about the future contribution of the

[SECTION 7]

Board.

- (13) In this section, ‘Committee’ means a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, other than—
- (a) the Committee of Public Accounts, the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann, or
  - (b) a subcommittee of a committee referred to in paragraph (a).’.

—Louise O’Reilly.

8. In page 8, to delete lines 40 and 41 and substitute the following:

- “(2) The Board shall—
- (a) satisfy itself that appropriate systems, procedures and practices are in place—
    - (i) to achieve the Executive’s object,
    - (ii) for the internal performance management and accountability of the Executive in respect of the Executive’s—
      - (I) performance of its functions,
      - (II) achieving objectives in accordance with the corporate plan, and
      - (III) delivery of health and personal social services in accordance with this Act,
  - and
  - (iii) in order to enable compliance with the policies (whether set out in codes, guidelines or other documents, or any combination thereof) of the Government or a Minister of the Government to the extent that those policies may affect or relate to the functions of the Executive,
  - and
  - (b) establish and implement arrangements for the management of the performance of the chief executive officer.
- (3) The Board is accountable to the Minister for the performance of its functions under subsections (1) and (2).’.

—An tAire Sláinte.

9. In page 9, line 1, to delete “(3) The Board” and substitute the following:

- “(4) The Board”.

—An tAire Sláinte.

[SECTION 7]

10. In page 9, line 3, to delete “(4) If a function” and substitute the following:

“(5) If a function”.

—An tAire Sláinte.

11. In page 9, line 4, to delete “subsection (3)” and substitute “subsection (4)”.

—An tAire Sláinte.

12. In page 9, line 6, to delete “(5) The Board” and substitute the following:

“(6) The Board”.

—An tAire Sláinte.

13. In page 9, line 7, to delete “subsection (3)” and substitute “subsection (4)”.

—An tAire Sláinte.

14. In page 9, line 8, to delete “(6) The Board” and substitute the following:

“(7) The Board”.

—An tAire Sláinte.

15. In page 11, line 7, to delete “section 16P(3)” and substitute “section 16P(4)”.

—An tAire Sláinte.

SECTION 8

16. In page 12, line 20, to delete “by the Minister” and substitute “by the Board with the approval of the Minister given”.

—An tAire Sláinte.

17. In page 12, lines 25 to 27, to delete all words from and including “without” in line 25 down to and including “given” in line 27.

—Louise O'Reilly.

18. In page 13, between lines 36 and 37, to insert the following:

“(b) ensure that appropriate systems, procedures and practices are in place—

(i) to achieve the Executive’s object,

(ii) for the internal performance management and accountability of the Executive in respect of the Executive’s—

(I) performance of its functions,

(II) achieving objectives in accordance with the corporate plan,  
and

(III) delivery of health and personal social services in accordance  
with this Act,

and

[SECTION 8]

(iii) in order to enable compliance with the policies (whether set out in codes, guidelines or other documents, or any combination thereof) of the Government or a Minister of the Government to the extent that those policies may affect or relate to the functions of the Executive,”.

—An tAire Sláinte.

19. In page 13, line 37, to delete “(b) provide” and substitute the following:

“(c) provide”.

—An tAire Sláinte.

20. In page 14, line 1, to delete “(c) assist” and substitute the following:

“(d) assist”.

—An tAire Sláinte.

21. In page 15, lines 20 and 21, to delete “, or has been, or may at a future time be,”.

—Louise O'Reilly.

SECTION 15

22. In page 19, between lines 22 and 23, to insert the following:

**“Amendment of section 29 of Principal Act**

15. Section 29 of the Principal Act is amended by the substitution of the following subsection for subsection (4):

“(4) In preparing the corporate plan, the Executive shall have regard to the policies (whether set out in codes, guidelines or other documents, or any combination thereof) of the Government or any Minister of the Government to the extent that those policies may affect or relate to the functions of the Executive.”.

—An tAire Sláinte.

23. In page 19, between lines 24 and 25, to insert the following:

“(a) in subsection (4), by the substitution of the following paragraph for paragraph (g):

“(g) accord with the policies (whether set out in codes, guidelines or other documents, or any combination thereof) and objectives of the Minister and the Government.”.

—An tAire Sláinte.

24. In page 20, to delete lines 10 to 12 and substitute the following:

“(c) in subsection (7), by the substitution of “chief executive officer in compliance with subsection (6A)” for “Director General in compliance with subsection (6)”,

(d) in subsection (9), by the substitution of the following paragraph for paragraph

[SECTION 15]

(d):

“(d) does not accord with the policies (whether set out in codes, guidelines or other documents, or any combination thereof) and objectives of the Minister or the Government to the extent to which those policies and objectives relate to the functions of the Executive and have been communicated in writing to the Executive prior to the commencement of the specified period.”,

and”.

—An tAire Sláinte.

SECTION 20

25. In page 21, line 10, to delete “one” and substitute “not fewer than 3”.

—An tAire Sláinte.

SECTION 25

26. In page 24, line 10, to delete “section 16P(3)” and substitute “section 16P(4)”.

—An tAire Sláinte.

27. In page 24, line 22, to delete “section 16P(3)” and substitute “section 16P(4)”.

—An tAire Sláinte.

28. In page 24, line 27, to delete “section 16P(3)” and substitute “section 16P(4)”.

—An tAire Sláinte.

TITLE

29. In page 5, lines 7 and 8, to delete “and that the Executive shall have a chief executive officer accountable to that board” and substitute the following:

“, to provide that the Executive shall have a chief executive officer accountable to that board and to provide for certain other amendments to that Act”.

—An tAire Sláinte.