



SEANAD ÉIREANN

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

LEASUITHE A RINNE AN DÁIL AMENDMENTS MADE BY THE DÁIL

SEANAD ÉIREANN

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

[BILLE SEANAID ARNA LEASÚ AG AN DÁIL]

HEALTH SERVICE EXECUTIVE (GOVERNANCE) BILL 2018
[SEANAD BILL AMENDED BY THE DÁIL]

Leasuithe a rinne an Dáil
Amendments made by the Dáil

*[The page and line references in this list of amendments
are to the text of the Bill as passed by Seanad Éireann]*

TITLE

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

“, 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”.

SECTION 5

2. In page 6, between lines 25 and 26, the following inserted:

“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.”.

3. In page 6, between lines 35 and 36, the following inserted:

“(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

[SECTION.5]

accordance with section 31.”.”.

**[This is a reference to the subsections inserted by amendment No. 5.]*

4. In page 6, line 37, “and” deleted and the following substituted:

“(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”.

SECTION 6

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

“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

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- (ii) if the Minister is not satisfied with the report, issue a 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.”.”.

6. In page 7, line 17 deleted and the following substituted:

“(c) 9 ordinary members.”.

7. In page 7, line 18, “paragraph (b)” deleted and “paragraphs (b) and (c)” substituted.

8. In page 7, between lines 27 and 28, the following inserted:

“(c) At least one of the persons appointed under paragraph (a) shall be a person who is practicing, or has practiced, as a member of a health profession, whether in or outside the State.”.

9. In page 8, line 6, “4 members” deleted and “5 members” substituted.

10. In page 8, between lines 22 and 23, the following inserted:

“(12) For the purpose of this section, “health profession” means any of the following professions:

- (a) dentist;
- (b) a designated profession within the meaning of section 3 of the Health and Social Care Professionals Act 2005;
- (c) medical practitioner;
- (d) midwife;

[SECTION.6]

- (e) nurse;
- (f) pharmacist.”.

SECTION 7

11. In page 8, lines 40 and 41 deleted and the following substituted:

“(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).”.

12. In page 9, line 1, “(3) The Board” deleted and the following substituted:

“(4) The Board”.

13. In page 9, line 3, “(4) If a function” deleted and the following substituted:

“(5) If a function”.

14. In page 9, line 4, “subsection (3)” deleted and “subsection (4)” substituted.

15. In page 9, line 6, “(5) The Board” deleted and the following substituted:

“(6) The Board”.

[SECTION.7]

16. In page 9, line 7, “subsection (3)” deleted and “subsection (4)” substituted.

17. In page 9, line 8, “(6) The Board” deleted and the following substituted:

“(7) The Board”.

18. In page 11, line 7, “section 16P(3)” deleted and “section 16P(4)” substituted.

SECTION 8

19. In page 12, line 20, “by the Minister” deleted and “by the Board with the approval of the Minister given” substituted.

20. In page 12, lines 25 to 27, “without the consent of the Board and the Board shall inform the Minister in writing of any such consent given” deleted.

21. In page 13, between lines 36 and 37, the following inserted:

“(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

(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,”.

22. In page 13, line 37, “(b) provide” deleted and the following substituted:

“(c) provide”.

23. In page 14, line 1, “(c) assist” deleted and the following substituted:

“(d) assist”.

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

SECTION 12

25. In page 18, line 25, “the person referred to” deleted and “a person referred to in” substituted.

[SECTION.15]

SECTION 15

26. In page 19, between lines 22 and 23, the following inserted:

“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.”.”.

27. In page 19, between lines 24 and 25, the following inserted:

“(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.”.”.

28. In page 20, lines 10 to 12 deleted and the following substituted:

“(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 (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”.

SECTION 20

29. In page 21, line 10, “one” deleted and “not fewer than 3” substituted.

30. In page 21, line 31, “an audit committee” deleted and “the audit committee” substituted.

SECTION 25

31. In page 24, line 10, “section 16P(3)” deleted and “section 16P(4)” substituted.

32. In page 24, line 22, “section 16P(3)” deleted and “section 16P(4)” substituted.

33. In page 24, line 27, “section 16P(3)” deleted and “section 16P(4)” substituted.

[SECTION.29]

SECTION 29

- 34.** In page 27, line 31, “Board authorised” deleted and “Executive authorised” substituted.
- 35.** In page 28, line 3, “Any 6” deleted and “Any 7” substituted.
- 36.** In page 28, line 6, “6 members” deleted and “7 members” substituted.
- 37.** In page 28, line 12, “5 ordinary” deleted and “6 ordinary” substituted.