



An Bille Sláinte (Leasú) (Uimh. 2), 2019
Health (Amendment) (No. 2) Bill 2019

Meabhrán Mínitheach
Explanatory Memorandum



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Background

This bill seeks to expand the powers of the Health Information and Quality Authority (HIQA) to allow the Authority to enforce national standards in relation to services that care for children, such as foster care services and residential care homes. Under the Health Act 2007 HIQA has the power to conduct reviews and audits into the centres and bodies which provide services under the Child Care Act 1991 and 2001, as well as the Children Act 2001, but it does not have the power to enforce national standards in relation to these centres. This is in contrast to, for example, HIQA's powers in relation to nursing homes.

This means that even where HIQA finds repeated incidences of non-compliance with national standards in foster care settings, the authority is powerless to enforce its recommendations. This has presented considerable issues in recent years, as services have repeatedly neglected to ameliorate the failures that have been highlighted by HIQA reviews of their services.

This bill would amend the Health Care Act 2007 to allocate enforcement powers to HIQA in respect of those child-related services where the authority has inspection powers i.e. children's residential services, Tusla, foster care provision and children's detention centres.

Provisions of the Bill

Section 1 provides definitions of the terms used in the bill.

Section 2 proposes the amendment of the definition of 'designated centre' in section 2 of the Health Act 2007 (as amended) to include the aforementioned care centres.

Section 3 grants the Minister for Health the power to make regulations for the general purpose of the bill and obliges the Minister to lay any such regulation made before both Houses of the Oireachtas.

Section 4 is the standard short title and citation section of the bill.

Anne Rabbitte TD

Iúil, 2019.