



**An Bille Sláinte (Teidlíochtaí Liachta i dTithe Banaltrais) (Forálacha  
Ilghnéitheacha), 2019**

**Health (Medical Entitlements in Nursing Homes) (Miscellaneous Provisions)  
Bill 2019**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE SLÁINTE (TEIDLÍOCHTAÍ LIACHTA I dTITHE BANALTRAIS)  
(FORÁLACHA ILGHNÉITHEACHA), 2019  
HEALTH (MEDICAL ENTITLEMENTS IN NURSING HOMES) (MISCELLANEOUS  
PROVISIONS) BILL 2019**

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CONTENTS

Section

1. Interpretation
2. Amendment of Act of 1990
3. Amendment of Act of 2014
4. Regulations
5. Short title and citation

ACTS REFERRED TO

Competition and Consumer Protection Act 2014 (No. 29)

Health (Nursing Homes) Act 1990 (No. 23)

Health Act 1970 (No. 1)

Health Act 2007 (No. 23)



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**AN BILLE SLÁINTE (TEIDLÍOCHTAÍ LIACHTA I dTITHE BANALTRAIS)  
(FORÁLACHA ILGHNÉITHEACHA), 2019  
HEALTH (MEDICAL ENTITLEMENTS IN NURSING HOMES) (MISCELLANEOUS  
PROVISIONS) BILL 2019**

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# Bill

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*entitled*

An Act to amend the Health (Nursing Homes) Act 1990 to provide for the preparation of a report on the effect of health entitlements for residents of nursing homes; to amend and extend the law in relation to contracts between nursing home providers and residents; and to provide for related matters.

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**Be it enacted by the Oireachtas as follows:**

## **Interpretation**

1. In this Act, unless the context otherwise requires—

“nursing home” has the same meaning as section 2 of the Health (Nursing Homes) Act 1990;

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“Minister” means the Minister for Health;

“Principal Act” means the Health Act 1970;

“S.I. of 1995” means S.I. No. 27/1995 - European Communities (Unfair Terms in Consumer Contracts) Regulations, 1995;

“S.I. of 2013” means S.I. No. 415/2013 - Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013;

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“the Act of 1990” means the Health (Nursing Homes) Act 1990;

“the Act of 2007” means the Health Act 2007;

“the Act of 2014” means the Competition and Consumer Protection Act 2014.

## **Amendment of Act of 1990**

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2. The Act of 1990 is amended by the insertion of the following section after section 6:

“6A. The Minister shall, not later than 3 months after the passing of the *Health (Medical Entitlements in Nursing Homes) (Miscellaneous Provisions) Act 2019*, prepare and lay before Dáil Éireann a report on the effect of the drafting of regulations to ensure that individuals who are deemed to be eligible for health services under section 45 of the Health Act 1970

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maintain all entitlements whilst resident in a nursing home.”.

### **Amendment of Act of 2014**

3. (1) The Act of 2014 is amended by the insertion of the following words after section 10 (1)(c)(iii):

“(iv) a contract of service between a nursing home and a resident;”. 5

- (2) The Act of 2014 is amended by the insertion of the following section after section 11(3):

“(4)(a) It is an offence under this section where a contract of service in operation under the terms of section 24 of the S.I. of 2013 is in contravention of the S.I of 1995.”. 10

- (3) The Act of 2014 is amended by the deletion of section 11(4)(b) and its replacement with the following words:

“(b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both.”.

- (4) The Act of 2014 is amended by the insertion of the following section after section 11(4): 15

“(5) Where an offence under this section is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.”. 20

### **Regulations** 25

4. Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of this Act.

### **Short title and citation**

- 5 (1) This Act may be cited as the Health (Medical Entitlements in Nursing Homes) (Miscellaneous Provisions) Act 2019. 30

- (2) The Health Acts 1947 to 2013 and this Act may be cited together as the Health Acts 1947 to 2019.

- (3) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes and different provisions. 35

- (4) This Act shall come into operation on such day or days as may be fixed by order of the Minister.



An Bille Sláinte (Teidlíochtaí Liachta i dTithe Banaltrais) (Forálacha Ilghnéitheacha), 2019

# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do dhéanamh socrú chun go leanfaidh cónaitheoirí i dtithe banaltrais de rochtain a bheith acu ar theidlíochtaí cárta liachta faoin Acht Sláinte (Tithe Banaltrais), 1990; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*Na Teachtaí Imelda Uí Mhuimhneacháin agus Caoimhghín Ó Caoláin a thug isteach,*

*25 Meán Fómhair, 2019*

Health (Medical Entitlements in Nursing Homes) (Miscellaneous Provisions) Bill 2019

# BILL

*(as initiated)*

*entitled*

An Act to provide for the continued access to medical card entitlements under the Health (Nursing Homes) Act 1990 for residents in nursing homes; and to provide for related matters.

*Introduced by Deputies Imelda Munster and Caoimhghín Ó Caoláin,*

*25th September, 2019*

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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