



**An Bille Sláinte (Teidlíochtaí Liachta i dTithe
Banaltrais) (Forálacha Ilghnéitheacha), 2019
Health (Medical Entitlements in Nursing Homes)
(Miscellaneous Provisions) Bill 2019**

*Meabhrán Mínitheach
Explanatory Memorandum*



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

EXPLANATORY MEMORANDUM

Background

The purpose of the Bill is to introduce safeguards to ensure that residents of private nursing homes who are medical card holders maintain their entitlements in line with those enjoyed by medical card holders who live in public nursing homes or in their own homes. The Bill puts existing guidelines regarding the maintenance of these entitlements on a statutory footing. The Bill makes it an offence for a nursing home contract to contravene any of the regulations that a Minister shall bring in to protect medical cards entitlements and allows for the Competition and Consumer Protection Commission to investigate breaches.

Section 1 of the Bill defines the acts and statutory instruments referenced in the Bill.

Section 2 amends the Health (Nursing Homes) Act 1990 to require the Minister to introduce new regulations to ensure that residents of nursing homes who are eligible for medical cards will maintain all those entitlements when they reside in a nursing home.

Section 3 this amends the Competition and Consumer Protection Act 2014 by placing all nursing home contracts with their residents under the jurisdiction of the Competition and Consumer Protection Commission. It adds the Schedule of the Unfair Terms Regulations to the Competition and Consumer Protection Act 2014 in order to give these guidelines a formal statutory footing with regard to the oversight of nursing home contracts. It also makes it an offence for a nursing home contract to contravene any of the regulations that a Minister shall bring in to protect medical cards entitlements. Also, this section updates the penalties for contravening the Competition and Consumer Protection Act 2014 by increasing the limit on fines from €30,000 to €50,000. Finally, this section makes it clear that offences can be committed by both directors and the body corporate.

Section 4 allows the Minister to introduce the guidelines referred to in Section 3.

Section 5 lays out the short title and commencement for this law.

Deputies Imelda Munster and Caoimhglín Ó Caoláin.

Meán Fomhair, 2019.