



**AN BILLE SLÁINTE (LEASÚ)
(CÚRAM BAILE GAIRMIÚIL), 2020
HEALTH (AMENDMENT)
(PROFESSIONAL HOME CARE) BILL 2020**

*Meabhrán Mínitheach
Explanatory Memorandum*



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EXPLANATORY MEMORANDUM

Background

This legislation is a follow on from the Law Reform Commission Report published in December 2011. This legislation proposes to amend the Health Act 2007 and in particular provides for an appropriate regulatory framework and legal standards to be put in place for professional home carers (as opposed to informal carers) engaged in the provision of care to people in their own home.

Section 1

This is a standard section setting out necessary definitions.

Section 2

Subsection (1) amends the definition of designated centres in *section 2(1)* of the Health Act 2007 to include undertakings (both unincorporated and incorporated, and whether established for gain or not established for gain) who are involved in the provision of professional home care services.

Subsection (2) provides that professional home care should be defined as services which are required to ensure that an adult person can continue to live independently in their own home. This may include, but is not limited to the services of nurses, home care attendants, home helps, various therapies and personal care. It provides that palliative care be included in the definition of professional home care. It also provides that the proposed legislative framework should apply to undertakings who provide professional home care to persons aged 18 years and over.

Section 3

Subsection (1) provides that section 8(1)(b) of the Health Act 2007 be amended to extend the functions of the Health Information and Quality Authority (HIQA) to include the setting of standards in relation to services provided by professional home care providers.

Subsection (2)(a) and (b) provides that: the Health Service Executive's 2008 draft National Quality Guidelines for Home Care Support Services should form the basis for National Standards for Professional Home Care to be prepared by HIQA under the Health Act 2007; that the proposed National Standards should provide guidance on all aspects of professional home care, including the detailed requirements derived from the necessary ministerial Regulations on professional home care to be made under section 101 of the Health Act 2007, any protective measures necessary, and the sanctions that will apply in the event of a breach of the standards; and that

the standards form the basis for the individual contract of care between the professional care provider and the care recipient.

Subsection (2)(c) deals with the issue concerning risk assessments.

Subsection (2)(d) deals with the matter concerning the care plan (see section 6(2) of the Bill, below), including the companionship plan, the home care plan and advance home care plan.

Subsection (2)(e) provides that the standards include requirements concerning the handling of money and property by the professional care provider on behalf of the care recipient.

Subsection (2)(f) provides that the standards include specific guidance on safety and health requirements in the delivery of professional care in the home, including suitable guidance on manual handling (which are to be developed in liaison with the Health and Safety Authority).

Subsection (2)(g) provides that the standards include relevant and detailed training requirements for those providing professional home care services.

Subsection (2)(h) seeks to ensure that the standards provide that a contract for the provision of home care must include specific provisions setting out, in plain and easily understood language, the fee arrangements between the contracting parties for the agreed services.

Subsection (3) provides the guiding principles to be applied in the legislative framework.

Section 4

This section provides that the Social Services Inspectorate (SSI) establish a registry of all professional home carers.

Section 5

This section provides that the Ministerial regulation-making power conferred on the Minister for Health by section 101 of the Health Act 2007 be extended to include the authority to make regulations that apply to an undertaking involved in the provision of professional home care services.

Section 6

Subsection (1) provides that an assessment of needs of the care recipient must be carried out prior to the provision of care and that the Assessment considers both the needs of and the outcomes desired by the care recipient. The assessment must include an assessment of companionship needs, care needs and the advanced home care needs of the care recipient. Companionship needs may include preparing snacks, monitoring diet and eating, arranging appointments, reminders for medication, overseeing home deliveries and organising visits to neighbours and friends. Home care may include meal preparation, light housekeeping, providing transport, assisting with walking and exercise, assisting with personal hygiene and dressing. Advanced home care involves the highest level of care and may involve some health care and may include personal care, respite care, dementia care, early Alzheimer's care, assistance with continence and toileting and palliative care. An undertaking providing professional home care services must also ensure that the level of care is appropriately attuned to the actual needs of the person and must, in particular, ensure that the level of care provided is not too high and promotes the autonomy and independence of the care recipient to the fullest degree.

Subsection (2) provides for a care plan, which must include the companionship plan, the home care plan and advance home care plan. See also section 3(2)(d) of the Bill, above.

Subsection (3) provides that an undertaking providing professional home care services must make available an easily understood, well publicised and accessible complaints procedure.

Subsection (4) provides that an undertaking providing professional home care services must have policies in place to ensure that professional home care recipients are protected from all forms of abuse.

Subsection (5) provides that an undertaking providing professional home care services must agree with the care recipient policies and procedures on the administration of medication in the home, which must then be included in the care plan; and must maintain a log in the home of all medication administered, which must be accessible to all.

Subsection (6) provides that an undertaking providing professional home care services must include in the contract for care policies and procedures concerning the handling of money and property by the professional care provider on behalf of the care recipient.

Subsection (7) provides that only suitably trained personnel may provide professional home care.

Subsection (8) provides that an undertaking providing professional home care services must adequately supervise the individual home care providers to ensure the maintenance of care standards

Section 7

This is a standard section setting out the short title and commencement arrangements.

*Deputies Colm Burke and Emer Higgins,
Iúil, 2020.*