



An Bille Cúraim Sláinte (Íocaíochtaí Trédhearcacha), 2022
Healthcare (Transparent Payments) Bill 2022

Mar a tionscnaíodh

As initiated



AN BILLE CÚRAIM SLÁINTE (ÍOCAÍOCHTAÍ TRÉDHEARCACHA), 2022
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ACTS REFERRED TO

Dentists Act 1985 (No. 9)

Health and Social Care Professionals Act 2005 (No. 27)

Pharmacy Act 2007 (No. 20)



AN BILLE CÚRAIM SLÁINTE (ÍOCAÍOCHTAÍ TRÉDHEARCACHA), 2022
HEALTHCARE (TRANSPARENT PAYMENTS) BILL 2022

Bill

entitled

An Act to require pharmaceutical companies, medical equipment suppliers and their servants or agents, to declare payments, gifts, donations or other transfers of values provided to healthcare professionals or health care organisations on an annual basis. 5

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act— 10

“gifts or donations” means an acquisition, charitable contribution, consulting fee, current or prospective ownership or investment interest, debt forgiveness, education, gift, grant, honoraria, long-term medical supply or device loan, research, royalty or license, space rental or facility fees, entertainment, food or beverage, travel and lodging, compensation for non-consulting services, compensation for serving as faculty or as a speaker for an unaccredited and non-certified continuing education program, compensation for serving as faculty or as a speaker for an accredited or certified continuing education program, above the value of €10; 15

“health care organisation” means any healthcare, medical or scientific association or organisation (irrespective of the legal or organisational form) such as a hospital, clinic, foundation, university or other teaching institution or learned society whose business address, place of incorporation or primary place of operation is in Ireland; 20

“health care professional” includes;

(a) a health and social care professional, which has the same meaning as outlined in section 4(1) of the Health and Social Care Professionals Act 2005 as amended; 25

(b) a medical practitioner, which means a person who holds a basic medical qualification;

(c) a registered pharmacist, which means a person registered under section 14 of the Pharmacy Act 2007, and

(d) a dental specialist, registered on the Registers of Dental Specialists, under section 29 of the Dentists Act 1985; 30

“medical equipment supplier” means any company involved in the manufacture and or supply of medical equipment;

“Minister” means the Minister for Health;

“other transfers of value” means a transfer of anything of value;

“payment” means any money or other form of payment above the value of €10 for an individual payment and €100 for aggregate annual payments to an individual recipient or health care organisation;

5

“pharmaceutical company” means a company involved in the manufacture, production and or supply of pharmaceutical drugs, creams or other health products which must be prescribed by a medical practitioner.

Declaration of income, donations & gifts

2. (1) Any payment, other transfers of value, gifts or donations made by a pharmaceutical company, medical equipment supplier and their servants or agents, to a health care professional or health care organisation, in the previous calendar year, shall be declared to the Health Products Regulatory Authority by the pharmaceutical company, medical equipment supplier and their servants or agents before the 31st day of January of each year. 10 15
- (2) Pursuant to *subsection (1)*, the Health Products Regulatory Authority shall establish and maintain a register of payments, other transfers of values, gifts or donations, declared by pharmaceutical companies, medical equipment suppliers and their servants or agents to a health care professional or health care organisation.
- (3) Pursuant to *subsection (2)*, the register shall include the following details, and any other details the Health Products Regulatory Authority may deem appropriate: 20
- (a) name and address of recipient;
 - (b) name and address of pharmaceutical company, medical equipment supplier, their servants or agents;
 - (c) associated drug, device, or medical equipment; 25
 - (d) type of payment, transfers of value, gift or donation;
 - (e) value in Euro of payment, transfers of value, gift or donation;
 - (f) date of payment, transfers of value, gift or donation.
- (4) The register outlined in *subsection (2)* shall be published by the Health Products Regulatory Authority on an annual basis in electronic form and in a publicly accessible and searchable manner. 30
- (5) The Health Products Regulatory Authority may make provision to audit, inspect, investigate and evaluate any books, contracts, records, documents, or other evidence to ensure compliance with the requirement to timely and accurately submit information under *subsection (1)*. 35

Offences

3. (1) Failure by a pharmaceutical company, medical equipment supplier or their servants or agents, to register payments, other transfers of values, gifts or donations made to a health care professional or health care organisation, as per *section 2(1)*, shall

constitute an offence.

- (2) A person or corporate entity guilty of an offence under *subsection (1)* shall be liable, on conviction, to a fine not exceeding €100,000.

Short title and commencement

4. (1) This Act may be cited as the Healthcare (Transparent Payments) Act 2022. 5
- (2) This Act shall come into operation on such day or days as the Minister may, by order or orders, appoint either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or different provisions.

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht dá cheangal ar chuideachtaí cógaisíochta, ar sholáthraithe trealaimh liachta agus ar sheirbhísigh nó gníomhairí dá gcuid dearbhú a dhéanamh i leith íocaíochtaí, bronnntanas, síntiús nó aistrithe eile ar luach a sholáthraítear do ghairmithe cúraim sláinte nó d'eagraíochtaí cúraim sláinte ar bhonn bliantúil.

*Na Teachtaí Darren Ó Ruairc, Seán Mac Concradha
agus David Cullinane a thug isteach,*

2 Feabhra, 2022

BILL

(as initiated)

entitled

An Act to require pharmaceutical companies, medical equipment suppliers and their servants or agents, to declare payments, gifts, donations or other transfers of value provided to healthcare professionals or health care organisations on an annual basis.

Introduced by Deputies Darren O'Rourke, Seán Crowe and David Cullinane,

2nd February, 2022

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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