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**An Bille Sláinte (Leasú) (Soláthraithe Tacaíochta Baile),  
2025**

**Health (Amendment) (Home Support Providers) Bill  
2025**

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*Meabhrán Míniúcháin  
Explanatory Memorandum*

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**AN BILLE SLÁINTE (LEASÚ) (SOLÁTHRAITHE  
TACAÍOCHTA BAILE), 2025**  
**HEALTH (AMENDMENT) (HOME SUPPORT PROVIDERS)  
BILL 2025**

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**EXPLANATORY MEMORANDUM**

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**Purpose of Bill**

*Introduction*

The Health (Amendment) (Home Support Providers) Bill 2025 sets out a registration framework for providers of home support services not already regulated or registered under other legislation. The Chief Inspector of Social Services in HIQA will be the regulatory authority.

*Regulation of home support services*

Under the Bill, the Chief Inspector of Social Services will have responsibility for establishing and maintaining a register for home support services operating in Ireland. The Chief Inspector will also be responsible for monitoring and assessing compliance by registered home support providers against Ministerial regulations and national standards developed by HIQA. It will be an offence to carry on the business of a home support service without being registered by HIQA. Additionally, the Bill includes transitional arrangements for pre-existing home support providers.

*Standards and other requirements for home support providers*

The objective of the proposed registration system is to improve the safety and quality of home support services by ensuring that registered home support providers do not operate below the standard set by Ministerial regulations and that those regulations are applied in a consistent and systematic way. Before getting a registration, providers will have to satisfy the Chief Inspector of Social Services that they can comply with these regulations and other legislative requirements. For example, to ensure effective governance, the Chief Inspector of Social Services will have to be satisfied that the provider is a fit and proper person to be a registered home support provider – this covers partners in a partnership and company boards of directors.

*Enforcement*

If a registered home support provider is not meeting registration requirements, the ultimate sanction is the revocation of the registration but other options are also provided for in the Bill to address failings where revocation of the registration is not the appropriate action, particularly as a first option of action.

### *General*

HIQA was established under the Health Act 2007 and its regulatory functions are set out in that Act. Consequently, the Bill amends the Health Act 2007, as necessary, to provide for functions in relation to the registration of home support providers and to set out the regulatory framework.

As currently provided for under the Health Act 2007, HIQA will continue to set national standards for home support provided by the HSE and other home support providers, and the Chief Inspector will have responsibility for monitoring compliance with those standards.

## **Main Provisions of the Bill**

### **Part 1 – Preliminary and General**

**Section 1** sets out the short title, collective citation, and commencement and its provisions are subject to commencement orders to be made by the Minister for Health ('the Minister').

**Section 2** provides definitions of key terms used in the Bill.

**Section 3** provides that the operation of the Act must be reviewed within 5 years of enactment and that a report on the findings must be laid before the Houses of the Oireachtas.

**Section 4** repeals section 53(3)(e)(iii)(I) of the Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Act 2024.

### **Part 2 – Amendment of Principal Act [Health Act of 2007]**

**Section 5** amends section 2 of the Principal Act to provide for the definition of key terms relating to the regulatory framework for home support providers.

**Section 6** amends section 8 of the Principal Act to provide for new functions for the Health Information and Quality Authority (HIQA) to set standards on safety and quality in relation to home support services.

**Section 7** amends section 9 of the Principal Act to provide for HIQA to conduct investigations of registered home support providers.

**Section 8** amends section 41 of the Principal Act. The purpose of this section is to expand the functions of the Chief Inspector to:

- (i) establish and maintain a register of home support providers,
- (ii) collect key data in relation to home support providers. This is to be read in conjunction with Section 69X of the Bill which makes provisions for how this new function will operate. The type of information collected and the frequency of the collection will be determined by regulations made by the Minister subject to new section 101C, as provided for in Section 22 of the Bill.
- (iii) inspect premises where he or she suspects the business of a home support service is being carried out. This is to be read in conjunction with Sections 12 which sets out the actions the Chief Inspector may take in these circumstances,
- (iv) register and inspect home support providers against both Ministerial regulations and HIQA standards.

**Section 9** inserts a new part, Part 8A, to the Principal Act ahead of Part 9 to provide for the registration of home support providers and consists of 29 sections.

**Section 69B** provides for the definition of key terms used in Part 8A of the Principal Act. This section also provides for exemptions to the requirement to register as a home support provider.

**Section 69C** provides for a prohibition on carrying out the business of a home support service without being registered under this Act or in accordance with transitional arrangements set out under Section 69ZD.

**Section 69D** provides for a prohibition on making a false or misleading statement in a material respect when applying for registration or renewal of registration under this Part of the Principal Act.

**Section 69E** provides for the application process for a person seeking to register or renew the registration of a home support provider. It provides for regulations making powers for the Minister to set out what information must be submitted with an application. The Chief Inspector may request further information where details on an application are deemed incomplete and applicants are required to comply with this request. Timeframes for when applications for the renewal of a registration must be submitted. Where a person proposes to carry on a home support service from more than one business premise, the applicant may submit an application for each premise separately or apply for all to be included under the same registration.

**Section 69F** provides for the establishment of a register of home support providers. Setting out what details are to be included on the register, how long a registration is valid for, where the register is to be kept and details on how to access or make a copy of the register. The Chief Inspector will be obligated to correct any errors in the register as soon as they become aware of them and a requirement for all registered home support providers to notify the Chief Inspector of any errors in their registration or any change in circumstances as soon as practicable.

**Section 69G** provides for the grant or refusal of the registration of a home support provider. Setting out what aspects will be considered by the Chief Inspector when assessing an application, authorising the Chief Inspector to place a condition on a registration as they think fit and requiring the Chief Inspector, after granting an application, to issue a certificate of registration including any conditions placed on the registration.

**Section 69H** provides for grounds under which the Chief Inspector can cancel, vary or remove a condition, or attach an additional condition to a registration of a home support provider.

**Section 69I** provides that the Chief Inspector may remove a condition attached to a registered home support providers registration where they deem it is appropriate and will not adversely affect a service user receiving support from that provider.

**Section 69J** provides that a registered home support provider may apply to the Chief Inspector for the variation or removal of any condition that has been placed on their registration. Applications are to be submitted as prescribed under regulations and include any fees set out under those regulations. An application for the variation or removal of a condition will be granted by the Chief Inspector

where they deem it appropriate and that it will not adversely affect a service user receiving support from the provider.

**Section 69K** provides for notices to be issued by the Chief Inspector to an applicant or a registered home support provider, as appropriate, in respect of a proposed decisions to an application submitted under sections 69E and 69J.

**Section 69L** provides that an applicant or registered home support provider, as appropriate, has 14 days after a notice is given of a proposed decision of the Chief Inspector under section 69J to make a written representation to the Chief Inspector concerning the proposal. The Chief Inspector shall not decide on the matter until they either receive a written representation from the person, are notified in writing that the person does not intend to make a representation, or the time limit of 14 days elapses.

**Section 69M** provides that the Chief Inspector is to give written notice to an applicant or a registered home support provider, as appropriate, of a decision to:

- refuse an application under section 69G or 69J,
- grant an application subject to any conditions under section 69G and 69J,
- to cancel a registration, vary or remove a condition, or attach an additional condition under section 69H,
- or to remove a condition of the registration under section 69I.

A written notice provided under this section will include details on the persons right to appeal the decision under section 69P. An appeal of the decision is required to be made within 14 days of receipt of the written notice, otherwise the decision takes effect. If an appeal is brought, the decision does not take effect until the determination or withdrawal of that appeal.

Alternatively, an applicant or registered home support provider can notify the Chief Inspector in writing of their acceptance of the decision and may request that the decision takes effect before the expiration of the 14 day period set out in subsection (3). Where a decision has been accepted in writing by an applicant or registered home support provider it cannot later be appealed to the District Court.

**Section 69N** provides for when the Chief Inspector proposes to make certain decisions where the home support service is provided or proposed to be provided by an applicant or a registered home support provider from more than one business premises and a single application has been made for registration under 69E(10)(b). In this instance, the Chief Inspector may make the decision in relation to the applicant or registered home support provider as a whole or in relation to the business carried out or proposed to be carried out from a certain business premise.

**Section 69O** provides for required and prohibited conduct for registered home support providers. This includes an obligation to ensure that their certificate of registration is affixed on their business premise and, where applicable, displayed on their website.

A registered home support provider is prohibited from making a false or misleading statement when applying for the variation or removal of any condition placed on their registration and shall not

present the service as being able to operate in a manner outside of their registration.

**Section 69P** provides for the appeals process from a decision of the Chief Inspector regarding an application for registration. The timeframe for an appeal is 14 days following the receipt of written notice from the Chief Inspector of the decision and an appeal lies to the District Court in the district where the home support provider is based.

**Section 69Q** provides for the Chief Inspector to seek a District Court order enforcing certain decisions under sections 69G, 69J, and 69H. This application is to be made to the District Court in which the provider is based. The District Court may make an order in the terms sought by the Chief Inspector in their application or in other terms as the Court considers appropriate.

**Section 69R** provides for the Chief Inspector to seek a District Court order where they believe there is a serious risk to a service user due to the actions of a registered home support provider or person acting on their behalf. The Chief Inspector may seek an order for the cancellation of the providers registration or the variation, removal, or addition of a condition of the registration. The application will lie to the District Court the provider is based in and the Chief Inspector will notify the provider when an application is made. The District Court may then make an order in the terms sought by the Chief Inspector or in other terms as the Court considers appropriate.

**Section 69S** provides for the Chief Inspector to make an application under section 69R as an *ex parte* interim order. This order does not carry the requirement for notification of the registered home support provider as is to be utilised only where the Chief Inspector deems it necessary due to a genuine and immediate risk to service users. The application will be grounded on a sworn affidavit of the Chief Inspector or individual acting on their behalf and will be in force for no more than 28 days unless effected for such longer period as the District Court specifies. This section does not limit the right of either party to bring an application under section 69R.

**Section 69T** provides for a final determination of matters dealt with in an *ex parte* interim order under Section 69R. Application lies to the District Court and must be made within 42 days after the date of the *ex parte* interim order and the Chief Inspector must notify the registered home support provider of the application. Subsection (3) provides for final orders by the District Court based on the application of the Chief Inspector. Subsection (4) clarifies that where an application is not brought within the timeframe specified, the interim order will cease to have effect, the registration of the provider will be reinstated, and the provider will be restored to the same status they had before the date of the *ex parte* application.

**Section 69U** provides that an appeal of a District Court decision under section 69N lies to the Circuit Court.

**Section 69V** provides that the Chief Inspector is a party to any court proceeding taken under this Part of the Principal Act and is entitled to appear, be heard, adduce or give evidence.

**Section 69W** provides for the submission of information to the Chief Inspector by registered home support providers. Subsection

(1) provides that the Chief Inspector can require the information the Chief Inspector considers necessary to carry out his or her functions under section 41. Subsection (2) provides an obligation on the provider to provide the Chief Inspector with such information when required. Subsection (3) sets out that a provider shall provide the requested information in the manner and form the Chief Inspector considers necessary.

**Section 69X** provides for the collection of key data from registered home support providers, the sharing of information with the Minister and public bodies, such as HIQA and the HSE, and the publication of this data in aggregate form by the Chief Inspector. There are provisions to provide that any information shared will exclude data which can identify an individual. This is to be read in conjunction with sections 8 and 22 of the Bill.

**Section 69Y** provides that a registered home support provider shall not submit false or misleading information to the Chief Inspector under section 69W or 69X. This should be read in conjunction with Section 19 of the Bill which will make it an offense to provide false or misleading information under sections 69W or 69X.

**Section 69Z** provides that where a registered home support provider decides to cease to carry on the business of a home support service, they are to notify the Chief Inspector of the date in which they are to cease operating in accordance with the timeline set out under regulations.

**Section 69ZA** provides that where a registered home support provider ceases to carry on its business, the Chief Inspector will make a note in the appropriate register and cancel the registration of the provider.

**Section 69ZB** provides that where a person is appointed by or under law to take charge of the business of a registered home support provider, that person is to notify the Chief Inspector as soon as practicable and no later than 48 hours after the appointment.

**Section 69ZC** provides for the notifications by the Chief Inspector relating to certain home support providers. Subsection (1) provides that in relation to a home support provider that provides services on behalf of the HSE, the Chief Inspector shall notify the HSE where the Chief Inspector:

- gives written notice to the provider of a proposal to cancel its registration,
- cancels the provider's registration and the cancellation takes effect,
- varies or removes a condition, or attaches an additional condition, under section 69H and the variation, removal or attachment takes effect,
- removes a condition under section 69I,
- varies or removes a condition under section 69J and the variation or removal takes effect,
- makes an application to the District Court for an order under section 69R,
- obtains an order in relation to an application under section 69R,

- makes an *ex parte* application to the District Court for an order under section 69S,
- obtains a final determination in relation to an *ex parte* application under 69S,
- receives a notification from the provider of an intention to cease to carry on its business under section 69Z,
- cancels the registration of the provider under section 69ZA,
- receives a notice of the appointment of a person by or under the law to take charge of the business of the provider under section 69ZB, or
- the Chief Inspector serves a compliance notice under section 78A of the Principal Act.

This section also provides that the Chief Inspector is to notify the Minister for Health and the Minister for Children, Disability and Equality where, in relation to a home support provider that is the HSE or a home support provider providing a home support service through an arrangement under section 38 of the Health Act of 2004, the Chief Inspector gives written notice of a proposal to cancel the providers registration under section 69K, cancels the registration under section 69H, or the Chief Inspector receives a notification under section 69Z.

**Section 69ZD** provides for transitional arrangements for persons providing a home support service immediately before this Bill comes into operation, in this section referred to as ‘existing providers’. Existing providers must notify the Chief Inspector no later than 3 months following the commencement of section 69C that they are providing a home support service and they intend to apply for registration. An existing provider must then make an application as soon as practicable, but no later than 2 years after section 69C comes into operation. During this two year period the Chief Inspector is to establish and maintain a register of existing providers who have made a notification under subsection (2) but have not had their applications granted or refused. While operating as an ‘existing provider’ sections 69W, 69X, and 69Y, along with any regulations made under section 101C, will apply to the provider as if they were a registered home support provider.

**Section 10** inserts section 71A into the Principal Act providing for the HSE to appoint persons to examine business premises of a home support provider that is providing service on behalf of the HSE. A person appointed under this section will be authorised to enter any business premises of the home support provider and examine any records relating to the service and interview any employees of the provider. The purpose of this power is to allow the HSE to assess compliance with the terms and conditions, regulations and standards and any other statutory obligations of that home support provider in relation to the home support service being provided on behalf of the HSE.

**Section 11** amends section 73 of the Principal Act providing the right of entry and inspection by the Chief Inspector to the business premises used or proposed to be used by a home support provider or the private dwelling of a service user where a home support service is provided with the consent of the service user concerned. The provisions also provide that the Chief Inspector can inspect, take copies and remove from the business premises any documents or records relating to the services

provided by a home support provider. Where the Chief Inspector carries out an inspection with the consent of the service user in their private dwelling, they may interview in private any person providing home support at the premises, who at any time was or is in receipt of a home support service and consents to an interview and any family member of the service user who consents to be interviewed.

**Section 12** amends section 73A of the Principal Act providing that if the Chief Inspector has reasonable grounds to believe that the business of a home support provider is being carried out on a premises which is not registered, the Chief Inspector may enter the premises to inspect it. This should be read in conjunction with section 8 of the Bill which provides the Chief Inspector with the function of inspecting such premises.

**Section 13** amends Section 73B of the Principal Act providing for the District Court to issue a warrant to authorise the Chief Inspector entry to premises where the Chief Inspector suspects the business of a home support provider is being carried out, if required.

**Section 14** amends section 74 of the Principal Act to provide for the inclusion in the definition of 'dwelling', any part of the business premises of a registered home support provider that is occupied as a private residence by that person or a member of staff of the provider.

**Section 15** amends section 75 of the Principal Act to provide for the inclusion of a reference to home support providers in relation to the further circumstances in which the District Court may issue a warrant. This includes when an authorised person is refused entry when assessing compliance with standards under section 8(1)(c) or conducting an investigation under section 8(1)(d) of the Principal Act.

Additionally, where a District Court judge is satisfied that there are reasonable grounds for believing there are any records relating to the service that the authorised person or Chief Inspector considers necessary to inspect, or that an inspection is likely to disclose evidence of a contravention of the Principal Act or regulations, they may issue a warrant permitting the authorised person or Chief Inspector to enter the premises.

**Section 16** amends section 77A of the Principal Act providing that HIQA may prepare and publish reports relating to the monitoring of compliance and standards by registered home support providers, and the manner in which those reports should be prepared.

**Section 17** amends section 78A of the Principal Act to provide for the serving of compliance notices on registered home support providers. Under this amendment, where the Chief Inspector is satisfied that a registered home support provider has contravened a relevant provision of legislation, he or she may issue a compliance notice. A registered home support provider who fails to comply with the compliance notice by the date specified in the notice shall be guilty of an offence and liable to prosecution. Registered home support providers will have the right to make an appeal to the District Court within 14 days.

It will be an offence not to comply with a compliance notice and a registered home support provider found guilty in this regard will be liable on summary conviction to a Class A fine or imprisonment for a term not exceeding 12 months or both. A registered home support provider found guilty on indictment is liable to a fine not exceeding €70,000 and/or imprisonment for up to 2 years.

**Section 18** amends section 78B of the Principal Act which requires the Chief Inspector to maintain a non-compliance list of providers on whom a fine or penalty has been imposed. Details of any fines or penalties incurred by the registered home support provider under section 78A shall be entered on a non-compliance list maintained by the Chief Inspector. The Chief Inspector may publish details from this list on the HIQA website. This amendment should be read in conjunction with section 69F which sets that details of any fines or penalties incurred under the Act shall be entered on the provider's registration.

**Section 19** amends section 79 of the Principal Act providing for offences for home support providers. A person will be guilty of an offence where they fail to discharge a duty to which they are subject under section 69ZD or contravenes section 69C or section 69D of the Bill.

A registered home support provider will be guilty of an offence where they:

- fail to display their registration under section 69O,
- fail to provide information requested under sections 69W or 69X,
- fails to notify the Chief Inspector in writing of any errors in their registration or changes in circumstances which might effect their registration.
- contravenes the requirements under section 69O prohibiting:
  - making false or misleading statements on an application for the variation or removal of a condition,
  - presenting as a registered home support provider without being appropriately registered under the Act or
  - offering or providing a service in contravention of a condition of their registration,
- submit false or misleading information under sections 69W or 69X,
- cease to carry on the business of a registered home support provider without prior notification to the Chief Inspector in writing,
- fail to discharge a duty to which the provider is subject under regulations made under section 101,
- contravenes a provision of the regulations made under section 101, or
- fail to comply with a condition of their registration.

A registered home support provider found guilty of an offence under this section will be liable on summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both. A registered home support provider found guilty on indictment is liable to a fine not exceeding €70,000 and/or imprisonment for up to 2 years.

**Section 20** amends section 99 of the Principal Act providing the Minister for Health, in consultation with the Minister for Children, Disability and Equality as appropriate, to make regulations relating to the registration of home support providers under the Act.

**Section 21** amends section 101 of the Principal Act providing the Minister for Health, in consultation with the Minister for Children, Disability, and Equality as appropriate, to make regulations for home support providers to ensure proper standards in relation to the home support services they provide.

**Section 22** inserts a new section, 101C, into the Principal Act providing the Minister for Health with regulation making powers to prescribe the collection, sharing and publication of data with regard to registered home support providers. Regulations will determine the type of data to be collected, shared, and published and the frequency of the submission and sharing of information. This section should be read in conjunction with section 8 which provides HIQA with this new function and 69X which provides for the collection of key data from home support providers, the sharing of this information with the Minister and public bodies, such as HIQA and the HSE, and the publication of this data in aggregate form by the Chief Inspector.

*An Roinn Sláinte,  
Nollaig, 2025.*



