



an ciste náisiúnta um cheannach cóireála  
the national treatment purchase fund

26 June 2020

Ms Aileen Fallon  
Clerk to the Committee (Work Programme)  
Special Committee on Covid-19 Response  
Leinster House  
Dublin 2

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Dear Ms Fallon,

Thank you for your letter of 16 June 2020 inviting the National Treatment Purchase Fund to make a brief written submission on the topic of congregated settings – nursing homes. I attach the requested submission here.

Yours sincerely,

*[Issued by email]*

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Liam Sloyan  
Chief Executive Officer

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## **National Treatment Purchase Fund**

### **Submission to the Oireachtas Special Committee on Covid-19 Response**

#### **Nursing Homes**

26 June 2020

#### Introduction

1. The National Treatment Purchase Fund (the “NTPF”) wishes to thank the Special Committee on Covid-19 Response (the “Committee”) for the invitation to make a written submission on the topic of Congregated Settings – Nursing Homes.
2. The NTPF has a specific statutory role in respect of making arrangements with Nursing Homes regarding the price that they may charge for long-term residential care services to residents in receipt of funding under the Nursing Home Support Scheme (“Fair Deal”). While the NTPF does not have any statutory role in relation to most of the matters specified in the “Issues for Consideration” section of the Committee’s Submission Request, we will make this submission in the context of our statutory role and our work.
3. Throughout the National Emergency, the NTPF has sought to assist other State Agencies in respect of their work. With respect to Nursing Homes, the main assistance provided by the NTPF has been to provide administrative support and advice to the Health Services Executive (the “HSE”) and to the Department of Health (the “Department”) in relation to the Covid-19 Temporary Assistance Payment Scheme (“TAPS”).
4. Our submission relates to the NTPF’s statutory role and to the assistance provided to other State Agencies.

#### The NTPF’s Statutory Role

5. The specific Statutory Role of the NTPF in respect of nursing homes is set out in Article 4. (1) (ba) of the National Treatment Purchase Fund Establishment Order 2004 (as amended). This provides that the NTPF has the function to:

“make arrangements with a person it considers to be appropriate, being a proprietor of a nursing home, relating to the price at which long-term residential care services will be provided by such person to persons requiring such services and who are in receipt of financial support under the Nursing Home Support Scheme Act 2009;”

6. In carrying out this function the NTPF seeks to make arrangements with proprietors of private and voluntary nursing homes, which hold a registration with the Health Information and Quality Authority (HIQA).
7. It is noted that the NTPF’s function is to make arrangements regarding the price at which services will be provided. The NTPF does not provide funding in respect of the services and it has no role in overseeing or regulating the nature, quality or the provision of the services, which are matters for other State Agencies.

#### Assistance Provided to other State Agencies

8. During the current Public Health Emergency, the NTPF has assisted the Department of Health and the HSE in carrying out their roles insofar as it can, for example providing administrative support and advice in relation to the Covid-19 Temporary Assistance Payment Scheme (“TAPS”).
9. At all times, the NTPF defers to the expertise and the statutory responsibilities of the responsible agency when providing this assistance.
10. In March, the NTPF was represented on a short-life interagency working group on nursing homes, which was established under the National Public Health Emergency Team (NPHE) Subgroup for Vulnerable People. Through its knowledge of nursing home costs, the NTPF was in a position to help inform considerations of the group in relation to a financial support scheme for nursing homes.
11. This process led to a recommendation to establish a Scheme providing financial supports to Nursing Homes. On 4 April, the Government announced its decision to establish such a Scheme.
12. The NTPF worked closely with the Department and the HSE and in consultation with Nursing Homes Ireland to establish this Scheme, which opened for applications on 17 April. Over the following weeks, the NTPF also assisted in work to refine the Scheme. The NTPF continues to provide administrative support in relation to the operation of the Scheme. We will set out here, the respective roles of the Department, the HSE and the NTPF under the Scheme:

- i. The Department is responsible for policy in relation to the Scheme, oversees its operation and engages with the Minister, Government and other Government Departments as required.
- ii. The HSE acts as primary administrators, reviewing and deciding upon all applications to the Scheme, making the relevant payments to nursing homes, satisfies itself that the appropriate control and validation framework is in place, including with regard to operational measures funded under the scheme and pursues the necessary actions where breaches of the scheme conditions are identified. The HSE also tracks, monitors and reports on all payments made under the scheme and engages with local Community Healthcare Organisations where appropriate.
- iii. The NTPF supports and advises the HSE in its administration of the Scheme. The NTPF contributes to assessing claimed costs under the Scheme and advising the HSE with regard to same. The NTPF will also assist the HSE with regard to financial audit, which is an important component of the control framework. The NTPF is also acting as the point of first interface with applicants, by accepting applications on behalf of the HSE.

#### Impact of Covid-19 on the NTPF's Statutory Role

13. Regarding the NTPF's Statutory Role to make arrangements with nursing homes regarding the price they may charge in respect of Fair Deal residents, it is clear that Covid-19 and the response to it is having a very significant impact on the costs being incurred by nursing homes in providing long-term residential care services. In this context, nursing homes are receiving additional funding under the TAPS to assist in addressing additional costs.
14. This scheme (TAPS) is designed to assist nursing homes by providing a contribution towards additional costs in the short term. The direct and indirect longer term impacts of the Covid-19 pandemic on the provision of long-term care services, on nursing homes and on the funding of care are not yet clear. As these impacts become clearer the NTPF will consult with stakeholders and come to a view on how these impacts need to be addressed in the way that the NTPF carries out its statutory role.

Scope for the NTPF to Provide Further Support and Assistance

15. The NTPF's statutory role in respect of nursing homes relates specifically to arrangements regarding price under the Nursing Home Support Scheme.
16. During the National Emergency, it is important that all relevant agencies of the State continue to work together and pool their expertise and resources to respond in the most positive, flexible and timely way to the needs of our citizens. State entities are demonstrating their flexibility and willingness to step outside of their normal day-to-day business and the National Treatment Purchase Fund has done this by providing assistance to other agencies including with regard to the national response in the nursing home sector.
17. The required flexibility is often facilitated by provisions in an agency's primary legislation that allow a Minister to make Regulations to increase the statutory functions of a State Agency, providing for greater flexibility in their roles. For legal reasons (as the NTPF was originally established by Regulations made under the Health (Corporate Bodies) Act, 1961) it is not possible for the Minister for Health to make regulations in respect of the NTPF's statutory functions, which may only be amended by primary legislation. Making provision in legislation for the Minister to make Regulations in respect of the functions of the NTPF would allow for a greater degree of flexibility in respect of the NTPF's role, including with respect to the support it can provide to other agencies when required.

Conclusion

18. The NTPF wishes to thank the Committee for the invitation to make a submission and to wish it well in its important work.