

Dé Máirt, 16 Samhain, 2010
Tuesday, 16th November, 2010

2.30 p.m.

ORDUITHE AN LAE
ORDERS OF THE DAY

- a13.** Ráitis faoin bhForbairt maidir le Cobhsaíocht Airgeadais in Éirinn agus Áiteacha Eile.
Statements on the Financial Stability Development in Ireland and Elsewhere.

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

Fógra i dtaobh leasú ar Thairsceint : Notice of Amendment to Motion

77. “That Dáil Éireann:

welcomes the publication of the investigation by the Office of the Ombudsman entitled, ‘*Who Cares? – An Investigation into the Right to Nursing Home Care in Ireland*’; and

notes with serious concern:

- that the Ombudsman encountered unprecedented opposition and a lack of co-operation from the Department of Health and Children and the HSE in the course of conducting this investigation;
- that thousands of old people may have been deprived of their legal entitlement to nursing home care, under the Health Act 1970, for over four decades;
- that the Government has consistently failed to clarify entitlements to nursing home care, causing huge frustration and anxiety among older people and their families;
- that vulnerable older people have been forced to seek care in private homes, at huge cost to themselves and their families;
- that the State currently faces more than 300 legal actions from people seeking compensation for costs incurred from private nursing home care;
- that the cap on the Fair Deal Scheme may force older people to pay for private nursing home care yet again;
- that in 2004, the State was forced to repay nursing home charges it illegally imposed on thousands of older people who held medical cards; and
- the persistent refusal of the Government to acknowledge the findings of reports published by the Office of the Ombudsman, and the serious implications this has for

the future effectiveness of the Office of the Ombudsman; and

condemns the Department of Health and Children for its failure to cooperate adequately with the Ombudsman's investigation and calls on the Government to clarify the legal position regarding nursing home care." — *James Reilly, Enda Kenny, Bernard Allen, James Bannon, Seán Barrett, Pat Breen, Richard Bruton, Ulick Burke, Catherine Byrne, Joe Carey, Deirdre Clune, Paul Connaughton, Noel J. Coonan, Simon Coveney, Seymour Crawford, Michael Creed, Lucinda Creighton, Michael D'Arcy, John Deasy, Jimmy Deenihan, Andrew Doyle, Bernard J. Durkan, Damien English, Olwyn Enright, Frank Feighan, Charles Flanagan, Terence Flanagan, Brian Hayes, Tom Hayes, Phil Hogan, Paul Kehoe, Pádraic McCormack, Shane McEntee, Dinny McGinley, Joe McHugh, Olivia Mitchell, Denis Naughten, Dan Neville, Michael Noonan, Kieran O'Donnell, Fergus O'Dowd, Jim O'Keeffe, John O'Mahony, John Perry, Michael Ring, Alan Shatter, Tom Sheahan, P. J. Sheehan, David Stanton, Billy Timmins, Leo Varadkar.*

Leasú:

Amendment:

1. To delete all words after "Dáil Éireann" and substitute the following:

- notes the introduction by the Government of the Nursing Homes Support Scheme which legally defined eligibility for long term nursing home care and which addressed the previous inequity by equalising State support for those in public, private and voluntary nursing homes;
- notes that the HSE has received almost 16,500 applications for the Fair Deal Scheme to date, of which over 12,250 have been approved with other applications continuing to be processed on a daily basis;
- notes that the budget in respect of long term care for 2010 for the Fair Deal Scheme and for those remaining in public long stay facilities and receiving subvention in private facilities is over €979 million in 2010;
- recognises that eligibility for in-patient services under section 52 of the Health Act 1970 has always been subject to, *inter alia*, the availability of resources;
- notes that the jurisdiction of the Ombudsman relates primarily to administrative actions and does not encompass issues such as Government policy, legislation passed by the Oireachtas, the conduct of litigation by the State and the wider governmental process;
- notes that the representations submitted to the Ombudsman set out very clearly the Minister's views on extracts from the draft report and were endorsed by the Government;
- notes with concern the way this particular investigation was undertaken and, in particular, the failure to follow fair procedures;
- notes this Government's commitment to services for older people which, as well as the introduction of a national scheme of financial support for long term residential care (Fair Deal) and the introduction of new standards, regulations and inspections for designated centres for older people, has also seen an additional €200 million invested in community services such as home help, home care packages, meals on wheels and day/respite care; and
- supports the Minister's plans to continue to develop and improve services for older people." — *An tAire Sláinte agus Leanaí.*