



An Bille Sláinte (Leasú) (Cúram Baile Gairmiúil), 2016
Health (Amendment) (Professional Home Care) Bill 2016

Mar a tionscnaíodh

As initiated



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ACT REFERRED TO

Health Act 2007 (No. 23)



AN BILLE SLÁINTE (LEASÚ) (CÚRAM BAILE GAIRMIÚIL), 2016
HEALTH (AMENDMENT) (PROFESSIONAL HOME CARE) BILL 2016

Bill

entitled

An Act to provide for the regulation of professional home care, for that purpose to amend the Health Act 2007 and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act, unless the context otherwise requires—

“Act of 2007” means the Health Act 2007; 10

“Minister” means the Minister for Health.

Amendment of section 2 of the Act of 2007 (definitions)

2. (1) Section 2 of the Act of 2007 is amended by the insertion after the definition of “designated centre” of the following:

“ ‘designated centre’ also includes (without prejudice to the above definition) an undertaking (whether unincorporated or incorporated, and whether established for gain or not established for gain) that is involved in the provision of professional home care services;” 15

(2) Section 2 of the Act of 2007 is amended by the insertion after the definition of “prescribed” of the following: 20

“ ‘professional home care’ means services which are required to ensure that an adult person, that is, a person aged 18 years and over, can continue to live independently in their own home, and includes, but is not limited to the services of nurses, home care attendants, home helps, various therapies and personal care, and palliative care;” 25

Amendment of section 8 of the Act of 2007 (standards for professional home care)

3. (1) Section 8 of the Act of 2007 is amended by the insertion in subsection (1)(b) after “1990,” of the following:

“and,

(iii) services provided by professional home care providers;” 30

(2) Section 8 of the Act of 2007 is amended by the insertion of the following after subsection (4):

- “(5) Without limiting the generality of subsection (1) to (4), standards set by the Authority under this section concerning the provision of professional home care services, within the meaning of the additional designation of ‘designated centre’ in section 2 (as inserted by *section 2(1)* of the *Health (Amendment) (Professional Home Care) Act 2016*)— 5
- (a) shall provide guidance on all aspects of professional home care, and shall— 10
- (i) include all the requirements in the Health Service Executive’s 2008 draft National Quality Guidelines for Home Care Support Services (or any replacement equivalent document), and
- (ii) include requirements derived from regulations on professional home care made under section 101 (as amended by *section 5* of the *Health (Amendment) (Professional Home Care) Act 2016*), any protective measures necessary, and the sanctions that apply in the event of a breach of the standards, 15
- and
- (b) shall form the basis for the individual contract of care between the professional care provider and the care recipient, and 20
- (c) shall provide that, prior to the commencement of professional home care, a risk assessment shall be carried out and that the risk assessment be reviewed on an ongoing basis, and
- (d) shall include requirements concerning the care plan required under section 106 (inserted by *section 6* of the *Health (Amendment) (Professional Home Care) Act 2016*), including the companionship plan, the home care plan and advance home care plan, and 25
- (e) shall include requirements concerning the handling of money and property by the professional care provider on behalf of the care recipient, and 30
- (f) shall include specific guidance on safety and health requirements in the delivery of professional care in the home, including suitable guidance on manual handling (which shall be developed in liaison with the Health and Safety Authority), and 35
- (g) shall include relevant and detailed training requirements for those providing professional home care services, and
- (h) shall provide that a contract for the provision of home care shall include specific provisions setting out, in plain and easily understood language, the fee arrangements between the contracting parties for the agreed services.”. 40

(3) Section 8 of the Act of 2007 is amended by the insertion of the following after

subsection (5):

“(6) In carrying out its functions concerning professional home care the Authority shall have regard to the following general principles as they apply to the adults to whom such care is provided—

- (a) the principle of independent living, 5
- (b) the principles of privacy and dignity,
- (c) the principle of quality of care, and
- (d) the protection of those adults.”.

Amendment of section 41 of the Act of 2007

4. Section 41 of the Act of 2007 is amended by the insertion in subsection (1)(b) after “centres,” of the following: 10

“including, without prejudice to any other register or registers, a register of undertakings providing professional home care services within the meaning of the additional designation of ‘designated centre’ in section 2 (as inserted by *section 2(1) of the Health (Amendment) (Professional Home Care) Act 2016*),”.

Amendment of section 101 of the Act of 2007

5. Section 101 of the Act of 2007 is amended by the insertion of the following after subsection (3):

“(4) Without limiting the generality of subsection (1) to (3), regulations under this section may apply to an undertaking involved in the provision of professional home care services within the meaning of the additional designation of ‘designated centre’ in section 2 (as inserted by *section 2(1) of the Health (Amendment) (Professional Home Care) Act 2016*),”.

Insertion of section 106 into the Act of 2007

6. The Act of 2007 is amended by the insertion of the following section after section 105:

“General duties concerning professional home care services

- 106.** (1) (a) An undertaking providing professional home care services shall carry out an assessment of needs of the care recipient prior to the provision of care, and the assessment shall consider both the needs of and the outcomes desired by the care recipient. 30
- (b) The assessment shall include an assessment of companionship needs, care needs and the advanced home care needs of the care recipient, and, 35
- (i) 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;

- (ii) home care may include meal preparation, light housekeeping, providing transport, assisting with walking and exercise, assisting with personal hygiene and dressing;
 - (iii) 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. 5
- (c) An undertaking providing professional home care services shall ensure that the level of care shall be appropriately attuned to the actual needs of the person and shall, 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. 10
- (2) On completion of the assessment of needs, an undertaking providing professional home care services shall draw up a care plan, which shall include the companionship plan, the home care plan and advance home care plan. 15
- (3) An undertaking providing professional home care services shall make available an easily understood, well publicised and accessible complaints procedure. 20
- (4) An undertaking providing professional home care services shall have policies in place to ensure that professional home care recipients are protected from all forms of abuse.
- (5) An undertaking providing professional home care services shall:
- (a) agree with the care recipient policies and procedures on the administration of medication in the home, which shall be included in the care plan; and 25
 - (b) maintain a log in the home of all medication administered, which shall be accessible to all.
- (6) An undertaking providing professional home care services shall 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. 30
- (7) An undertaking providing professional home care services shall ensure that only suitably trained personnel may provide professional home care. 35
- (8) An undertaking providing professional home care services shall adequately supervise the individual home care providers to ensure the maintenance of care standards.”.

Short title and commencement

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7. (1) This Act may be cited as the Health (Amendment) (Professional Home Care) Act

2016.

- (2) This Act comes into operation on such day or days as the Minister for Health may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or provisions.

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An Bille Sláinte (Leasú) (Cúram Baile
Gairmiúil), 2016

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le cúram baile gairmiúil a rialáil, chun na críche sin do leasú an Achta Sláinte, 2007 agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*Na Seanadóirí Colm De Búrca, Neale Richmond
agus Máire Hoibicín a thug isteach,
27 Deireadh Fómhair, 2016*

Health (Amendment) (Professional Home
Care) Bill 2016

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(as initiated)

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An Act to provide for the regulation of professional home care, for that purpose to amend the Health Act 2007 and to provide for related matters.

*Introduced by Senators Colm Burke, Neale
Richmond and Maura Hopkins,
27th October, 2016*

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