



Number 5 of 2017

Health (Amendment) Act 2017



Number 5 of 2017

HEALTH (AMENDMENT) ACT 2017

CONTENTS

Section

1. Definition
2. Amendment of section 45 of Act of 1970
3. Amendment of section 59 of Act of 1970
4. Prescription charges for persons who have attained age of 70 years and their dependants
5. Short title and commencement

[No. 5.]

Health (Amendment) Act 2017.

[2017.]

ACTS REFERRED TO

Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24)

Health (Pricing and Supply of Medical Goods) Act 2013 (No. 14)

Health Act 1970 (No. 1)

Social Welfare Consolidation Act 2005 (No. 26)



Number 5 of 2017

HEALTH (AMENDMENT) ACT 2017

An Act to make provision in relation to eligibility for services under Part IV of the Health Act 1970; to make provision for the amounts chargeable in respect of the supply of items on prescription under section 59 of that Act to certain persons; and, for those purposes, to amend the Health Act 1970; and to provide for related matters.

[31st March, 2017]

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act “Act of 1970” means the Health Act 1970.

Amendment of section 45 of Act of 1970

2. Section 45 (amended by section 170 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010) of the Act of 1970 is amended by the insertion of the following subsection after subsection (5A):

“(5B) A person who is a child within the meaning of section 186C of the Social Welfare Consolidation Act 2005 and in respect of whom an allowance is being paid under Chapter 8A of Part 3 of that Act shall have full eligibility for the services under this Part and, notwithstanding subsection (6), references in this Part to persons with full eligibility shall be construed as including references to such persons.”.

Amendment of section 59 of Act of 1970

3. Section 59 (amended by section 30 of the Health (Pricing and Supply of Medical Goods) Act 2013) of the Act of 1970 is amended—
 - (a) by the substitution, in subsection (1A), of “subsections (1B) and (1C) and section 59A” for “subsections (1B) and (1C)”, and
 - (b) in subsection (1B)—
 - (i) by the substitution, in paragraph (a), of “Subject to paragraphs (b) and (c) and subsection (3) of section 59A” for “Subject to paragraph (b)”,

- (ii) by the substitution, in paragraph (b), of “the maximum aggregate amount referred to in paragraph (a) or subsection (3) of section 59A” for “the maximum aggregate amount referred to in paragraph (a)”, and
- (iii) by the insertion of the following paragraph after paragraph (b):
 - “(c) Where a child referred to in subsection (5B) of section 45 has full eligibility solely by reason of that subsection, the maximum aggregate amount referred to in paragraph (a) shall apply in respect of items referred to in subsection (1A) supplied in a month—
 - (i) to that child, or
 - (ii) in the case where an allowance referred to in subsection (5B) of section 45 is being paid to the same person in respect of more than one such child, to those children.”.

Prescription charges for persons who have attained age of 70 years and their dependants

4. The Act of 1970 is amended by the insertion of the following section after section 59:

- “**59A.** (1) This section applies to persons with full eligibility who avail of the service under subsection (1) of section 59 and who fall within any of the following classes:
- (a) persons who have attained the age of 70 years;
 - (b) dependants of the persons referred to in paragraph (a).
- (2) Subject to subsection (3), the amount of charge under subsection (1A) of section 59 per item supplied to a person to whom this section applies shall be €2.00 or such other amount as may be determined by regulations made by the Minister under this section.
- (3) Subject to subsection (1B)(b) of section 59, the maximum aggregate amount payable in respect of items referred to in subsection (1A) of that section supplied in a month to a person who has attained the age of 70 years and his or her dependants shall be €20.00 or such other amount as may be determined by regulations made by the Minister under this section.
- (4) The Minister may, with the consent of the Minister for Public Expenditure and Reform, make regulations varying either or both of the amounts referred to in subsections (2) and (3), where he or she is of the opinion that such a variation is desirable, having regard to such of the following as he or she considers appropriate:
- (a) information on the consumer price index made available by the Central Statistics Office from time to time;
 - (b) recent information on the aggregate of the amounts expended, and the number of items in respect of which those amounts were expended, by the Health Service Executive in providing the service

under subsection (1) of section 59 either generally or to persons to whom this section applies;

- (c) the medical needs of, and the financial burden on, persons to whom this section applies;
- (d) the necessity of controlling expenditure in relation to the provision by the State of health services;
- (e) either or both of the amounts for the time being referred to in subsections (1A) and (1B)(a) of section 59.”.

Short title and commencement

- 5.** (1) This Act may be cited as the Health (Amendment) Act 2017.
- (2) This Act shall come 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.