



STATUTORY INSTRUMENTS.

S.I. No. 79 of 2015



HEALTH INSURANCE ACT 1994 (OPEN ENROLMENT)
REGULATIONS 2015

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I, LEO VARADKAR, Minister for Health, in exercise of the powers conferred on me by section 3 (as amended by section 4 of the Health Insurance (Amendment) Act, 2012 (No. 45 of 2012)) and section 8 (as amended by section 4 of the Health Insurance (Amendment) Act 2014 (No. 42 of 2014)) of the Health Insurance Act, 1994 (No. 16 of 1994) hereby make the following regulations—

PART 1

GENERAL

1. (1) These Regulations may be cited as the Health Insurance Act 1994 (Open Enrolment) Regulations 2015.

(2) These Regulations come into operation on 1 May 2015.

2. In these Regulations—

“Act of 1994” means the Health Insurance Act 1994 (No.16 of 1994);

“insured person” means—

(a) a person named in a health insurance contract as an insured person, or

(b) a child born to or adopted by a person named in a health insurance contract as an insured person provided that in the case of that child the person who effected the health insurance contract requests that the health insurance contract be altered to name such child as an insured person, and pays the appropriate premium in respect of such child, within 13 weeks of the date of birth or adoption of the child.

“undertaking” means a registered undertaking;

“pre-existing condition” means an ailment, illness or condition, where, on the basis of medical advice, the signs or symptoms of that ailment, illness or condition existed at any time in the period of 6 months ending on the day on which the person became insured under the contract.

3. These Regulations apply to health insurance contracts entered into on or after 1 May 2015.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th March, 2015.*

PART 2

MAXIMUM WAITING PERIODS

4. (1) The maximum waiting period for eligibility for payment under a health insurance contract which an undertaking may impose in respect of an insured person shall be 26 weeks except that no maternity benefit shall be payable for the period of 52 weeks next following a person being named as an insured person.

(2) A child shall be eligible to receive payments under a health insurance contract immediately from his or her date of birth or adoption where the child has been named as an insured person within 13 weeks of his or her date of birth or adoption.

(3) An insured person shall be eligible for minimum payment immediately in respect of health services prescribed pursuant to section 10 (as amended by section 4 of the Voluntary Health Insurance (Amendment) Act 2008 (No.6 of 2008)) of the Act of 1994, where such health services are provided as a result of an accident or injury which occurred while that person was named as an insured person.

(4) The maximum waiting periods prescribed in this Article shall be known as the “initial waiting periods”.

5. (1) The maximum waiting period for eligibility for payment under a health insurance contract in respect of a pre-existing condition for a person entering into such a contract, other than where the insured person is a child who has been so named within 13 weeks of the date of his or her birth or adoption, shall be 5 years.

(2) The maximum waiting periods prescribed in this Article shall be known as the “pre-existing condition waiting periods”.

(3) A pre-existing condition waiting period shall run concurrently with an initial waiting period prescribed in Article 4.

6. (1) Where a person is named in a health insurance contract in respect of the increase in the level of hospital in-patient or relevant health services, having previously been named as an insured person under a health insurance contract with an undertaking, the maximum waiting period for eligibility for payment in respect of the increased level of hospital in-patient services or relevant health services shall be 2 years.

(2) A waiting period prescribed in paragraph (1) shall run concurrently with a waiting period prescribed under Article 5.

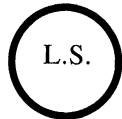
7. The following are prescribed—

(a) for the purposes of section 8(4)(a) of the Act of 1994, a case or circumstance to which Article 4(a) of the Health Insurance Act 1994 (Lifetime Cover) Regulations 1996 (S.I. No.82 of 1996) applies,

(b) for the purposes of section 8(5) of the Act of 1994, the period of 13 weeks after the cesser of a health insurance contract.

8. Articles 4, 5, 6 and 7 are stated to be penal regulations for the purposes of section 4(1)(b) of the Act of 1994.

9. The Health Insurance Act 2001 (Open Enrolment) Regulations, 2005 (S.I. No. 332 of 2005) are hereby revoked.



GIVEN under my Official Seal,
2 March 2015.

LEO VARADKAR,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These regulations replace S.I. No. 332/2005 — Health Insurance Act, 2001 (Open Enrolment) Regulations, 2005. In doing so, they prescribe the maximum waiting periods for contracts of private health insurance, revise the definition of pre-existing conditions and amend the definition of insured person to include adopted children.

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