



STATUTORY INSTRUMENTS.

S.I. No. 259 of 2022

SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND
CONTROL) (AMENDMENT) (NO. 7) (TREATMENT BENEFIT)
REGULATIONS 2022

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SOCIAL WELFARE (CONSOLIDATED CLAIMS, PAYMENTS AND CONTROL) (AMENDMENT) (NO. 7) (TREATMENT BENEFIT) REGULATIONS 2022

I, HEATHER HUMPHREYS, Minister for Social Protection, in exercise of the powers conferred on me by sections 4 (as adapted by the Employment Affairs and Social Protection (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 447 of 2020)) and 138 (amended by section 12 of the Social Welfare Act 2021 (No. 44 of 2021)) of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), hereby make the following Regulations:

Citation and construction

1. (1) These Regulations may be cited as the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 7) (Treatment Benefit) Regulations 2022.

(2) These Regulations and the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2022 shall be construed together as one and may be cited together as the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 to 2022.

Commencement

2. These Regulations come into operation on 28 May 2022.

Interpretation

3. In these Regulations “Principal Regulations” means the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007 (S.I. No. 142 of 2007).

Treatment benefit – non-surgical hair replacement

4. The Principal Regulations are amended:

(a) in article 91-

(i) by the insertion of the following definition:

“‘Hair replacement provider’ means a person engaged in the commercial provision of non-surgical hair replacement, either full or partial scalp, using either synthetic or natural materials;”, and

(ii) by the substitution of the following definition for the definition of “dependent spouse or civil partner”:

“‘dependent spouse, civil partner or cohabitant’ means –

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 31st May, 2022.

- (a) a spouse, civil partner or cohabitant who is a qualified adult as defined in section 2(2) and by article 6, or
 - (b) a spouse, civil partner or cohabitant who is not a qualified adult as so defined in sub-paragraph (a) by virtue of being engaged in insurable employment and who immediately prior to taking up such employment was a qualified adult entitled to treatment benefit, or
 - (c) a spouse, civil partner or cohabitant who would be a qualified adult as so defined, but for the receipt by that spouse, civil partner or cohabitant of carer's benefit under Chapter 14 of Part 2, State pension (non-contributory) under Chapter 4 of Part 3 or carer's allowance under Chapter 8 of Part 3 in his or her own right;”,
- (b) by substitution of the following articles for articles 96 and 97:
- “Treatment Benefit for Dependent Spouse, Civil Partner or Cohabitant.**
96. A spouse, civil partner or cohabitant shall be entitled to treatment benefit where the contribution conditions specified in articles 94 or 95 are satisfied by his or her spouse, by his or her civil partner or by his or her cohabitant, as appropriate.
- Continued Benefit to Dependent Spouse, Civil Partner or Cohabitant after the Death of an Insured Person.**
97. On the death of an insured person whose dependent spouse, civil partner or cohabitant, at the date of the death, was or would have been entitled to treatment benefit under article 96, the dependent spouse, civil partner or cohabitant shall continue to be entitled to treatment benefit for as long as that person remains a widow, widower, surviving civil partner or surviving cohabitant, as the case may be.”,
- (c) in article 105(1)(b) by the insertion of “hair replacement provider,” after “dentist,”
 - (d) in article 106-
 - (i) by the deletion of “and” after paragraph (b),
 - (ii) by the insertion of the following after paragraph (c):

“and

 - (d) hair replacement providers, for the purposes of medical appliance benefit,” and
 - (iii) by the insertion of “, the Hair Replacement Provider Panel,” after “the Optical Panel”,

- (e) in article 109 by the substitution of “medical reason, hearing aids and non-surgical hair replacement.” for “medical reason and hearing aids.”,
- (f) in article 110 by the substitution of “the cost of providing an appliance or of repairing a hearing aid,” for “the cost of providing or repairing an appliance.”,
- (g) by the insertion of the following article after article 110B:

“Non-surgical hair replacement

110C. A person shall be entitled to medical appliance benefit in relation to the provision of non-surgical hair replacement, relating to hair loss on the scalp area, once in every calendar year or such other frequency as may, from time to time, be fixed by the Minister.”,
- (h) in article 111(1) by the substitution of the following paragraphs for paragraph (b):
 - “(b) an estimate of the cost of appliances or the repair of hearing aids, and
 - (c) in the case of hair replacement, confirmation from his or her medical practitioner that the hair loss is a result of a disease or the treatment of a disease,” and
- (i) by the insertion of the following sub-article after article 111(3):

“(4) For the purposes of sub-article (1), in the case of hair replacement, any act to be performed by a medical practitioner may also be performed by a cancer nurse specialist.

(5) For the purposes of paragraph (c) of sub-article (1), “disease” shall mean any of the following:

 - (i) alopecia areata (which includes alopecia totalis/universalis, diffuse alopecia areata, alopecia ophioides),
 - (ii) primary scarring alopecias (including cicatricial alopecia, frontal fibrosing alopecia and lichen planopilaris alopecia),
 - (iii) chemotherapy induced alopecia (anagen effluvium),
 - (iv) alopecia resulting from surgery or trauma, including burns,
 - (v) such other forms of alopecia as may be approved by the Minister.”.

Treatment benefit – contribution conditions

5. Article 94(1) (amended by article 3 of the Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 5) (Treatment Benefit) Regulations 2017 (S.I. No. 381 of 2017)) of the Principal Regulations is amended by the substitution of “29” for “25” in paragraphs (b) and (c).



GIVEN under my Official Seal,
25 May, 2022.

HEATHER HUMPHREYS,
Minister for Social Protection.

EXPLANATORY NOTE

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

Section 12 of the Social Welfare Act 2021 provides for the introduction of a grant of up to €500 per year towards the cost of non-surgical hair replacement, e.g. wigs or hairpieces, for people suffering from hair loss on their scalp as a direct result of a disease or treatment of a disease. These Regulations update the Social Welfare (Consolidated Claims, Payments and Control) Regulations 2007, as amended, to provide for this.

These Regulations also extend Treatment Benefit to cohabitants in certain circumstances.

In addition, these Regulations reduce the number of Pay Related Social Insurance contributions required by younger contributors aged 25-28 years to qualify for Treatment Benefit. The required contributions is reduced from 260 to 39. This will make it easier for people aged 25-28 to access the Treatment Benefit scheme.

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