Purpose of the Bill

The purpose of the Bill is to introduce a new scheme for entitlement to medical cards for persons aged 70 years and over, with effect from 1st January, 2009.

The Bill will:—

• Ensure that those people who are 70 or over on 31st December, 2008 and who hold a medical card on age grounds will keep their card, so long as their income from all sources does not exceed specified limits. Those whose income is above the specified limits will have until 2nd March, 2009 to notify the HSE that they no longer qualify. They will keep their full eligibility until then.

• Provide that those persons reaching 70 on or after 1st January, 2009 can apply to the HSE and will be granted a medical card, so long as their income from all sources does not exceed the specified limits.

The Bill also amends the Health Contributions Act 1979 so as to exempt persons of 70 years and over from liability for payment of the Health Contribution.

Provisions of the Bill

PART 1

Section 1 provides, among other matters, that the legislation shall come into operation on 1st January, 2009.

PART 2

Amendment of the Health Act 1970

Section 2 provides that references to “Act of 1970” are to be interpreted as referring to the Health Act 1970.
Section 3 provides for the replacement of section 45(5A) of the Health Act 1970 which provided for automatic entitlement to a medical card for all persons aged 70 years and over who are ordinarily resident in the State, irrespective of their means. Section 3 provides that those people who are 70 or over on 31st December, 2008 and who hold a medical card on age grounds will keep their card, so long as their income from all sources does not exceed specified limits. Those whose income is above the specified limits will have until 2nd March, 2009 to advise the HSE that they no longer qualify. They will keep their full eligibility until then.

Section 4 provides for the insertion of a new section 45A in the Health Act 1970 dealing with the eligibility of persons aged 70 years and over, and their dependants, for a medical card from 1st January, 2009, and the applicable gross income limits from that date. This section also makes provision for the dependants of a person who is 70 years of age before 31st December, 2008 (Section 45(5A) above).

Subsection (1) provides that persons in that age category who do not have a medical card will be required to make an application to the Health Service Executive and have their eligibility assessed by reference to their gross income.

Subsection (2) provides that relevant gross income limits will be: €700 per week in the case of a single person, excluding any income from savings or similar investments whose principal value is €36,000 or less; and €1,400 per week in the case of a couple, excluding any income from savings or similar investments whose principal value is €72,000 or less. The double income limit applies in the case of married couples and couples living together as husband and wife.

Subsection (3) provides for the gross income limits to be reviewed annually by the Minister, and that those limits may be increased, with the consent of the Minister for Finance, to reflect increases in the consumer price index.

Subsection (4) excludes specific compensation/redress awards and payments from the calculation of gross income for the purposes of the legislation.

Subsection (5) provides that in calculating gross income, only net rental income from property will be included, calculated as gross rental income less any necessarily incurred associated costs.

Subsection (6) provides that the Minister may, by regulations, prescribe other payments made for a similar purpose as the compensation/redress payments which may be excluded as income under this section.

Section 5 provides for a technical amendment to section 47 of the Health Act 1970 in order to ensure that the appeals process under that Act will also apply to people who apply for a medical card under this legislation.

Section 6 provides for an amendment to section 47A of the Health Act 1970 so that the requirement on the Minister to issue guidelines to assist the HSE in deciding if a person is ordinarily resident in the State will extend to applications for medical cards made under section 45(A).

Section 7 provides that people aged 70 years and over on 31st December, 2008 affected by the legislation who do not meet the income criteria shall notify the HSE of this fact no later than 2nd March, 2009.
PART 3

Amendment of the Health Contributions Act 1979

Section 8 The purpose of this section is to amend section 4 of the Health Contributions Act 1979 to provide an exemption from the Health Contribution for any person who is or reaches the age of 70 on or after 1st January, 2009. At present every person on reaching the age of 70 becomes automatically eligible for health services in accordance with section 45 of the Health Act 1970 as amended by section 1 of the Health (Miscellaneous Provisions) Act 2001 and is exempt therefore from paying Health Contributions. Arising from the amendments to the Health Act 1970, those over 70 who did not qualify for a medical card and who were not otherwise exempt under the 1979 Act would have to pay the Health Contribution. The amendment will exempt everybody over 70 from paying the contribution regardless of whether they fall into the existing categories exempted under section 11 of the 1979 Act.

PART 4

Amendment of the Social Welfare Consolidation Act 2005

Sections 9 and 10 are technical amendments to ensure that the existing statutory provision in relation to the sharing of information between public bodies shall also apply in respect of section 45(A).

PART 5

Amendment of the Civil Registration Act 2004

Section 11 is a technical amendment to ensure that the existing statutory provision in relation to the sharing of information between the Registrar of Births, Deaths and Marriages and the HSE shall also apply in respect of section 45(A).