

● Medico-legal advice

Nursing homes support scheme



Aisling Gannon of Beauchamps Solicitors explains the terms and conditions of the Nursing Homes Support Scheme Act, which underpins the 'fair deal' nursing-home funding scheme

The Nursing Homes Support Scheme Act 2009 was signed by the President on 1 July 2009 but is not yet in force. It provides the legislative basis for the new Nursing Homes Support Scheme (the scheme) and underpins the "fair deal" nursing home funding scheme.

The Act sets out the financial support arrangements for people who need long term care and aims to guarantee affordable nursing home care for those who need it.

Vastly different costs

Currently people face very different costs depending on whether they are in public or private nursing homes. Under the existing subvention scheme, people on the same incomes can end up with vastly different care costs. As a result, people are sometimes forced to sell or mortgage their homes to pay for care.



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The Scheme

The scheme will be the same for public and private care. Every person will make a contribution to the cost of their care, based on their means. The Act also allows for the deferral of part of the contribution in

specified circumstances. The scheme will not differentiate between people based on their age or medical condition. In addition it is voluntary and both new and existing nursing home residents are eligible to apply. Anyone who is assessed

as needing long term nursing home care, regardless of their age or medical condition, will be eligible to apply for support under the scheme.

The scheme has five steps:

- 1. Care needs assessment:** A person resident in the

State or a specified person such as a family member/guardian of that person can apply to the Health Service Executive (HSE) for an assessment of care needs by appropriate healthcare professionals. If the person is assessed as needing long-term residential care, an application for financial support can be made.

- 2. Financial assessment of means.** The means assessment works out how much a person can contribute to the cost of their care by taking account of their income, cash assets and relevant assets as defined in the Act.

- 3. Contribution to your care:** There is a detailed formula set out in the Act to calculate a person's contribution depending on whether they are a member of a couple or not. For example a single person will contribute approximately 80% of assessable income and 5% of the value of any assets in excess of the "asset disregard" per annum. The "asset disregard" is the amount of the person's "cash" and "relevant" assets that is totally excluded from the means assessment. If their assets in-

clude land and property, the 5% contribution based on such assets can be deferred. This means it does not have to be paid during their lifetime and may be collected from their estate.

- 4. Selection of nursing home:** Once the person's contribution has been calculated, a list of nursing homes (public and private) is supplied to allow them to choose the appropriate home. The private nursing homes will have been approved for the scheme and the price charged for care agreed with the National Treatment Purchase Fund.
- 5. State support:** If a public nursing home is selected the contribution is paid to the HSE and the State will pay the balance. If a private nursing home is selected, the contribution is paid to that nursing home and the State will pay the balance.

The scheme is scheduled to be implemented in 2009 by Ministerial Order.

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