

Briefing Note on the Redress for Women in Certain Institutions Bill
6th March 2015

Section 2(1)(b) - drugs, medicines and appliances

1996 Act	2014 Bill
(b) drugs, medicines and medical and surgical appliances	(b) drugs, medicines and medical and surgical appliances for the time being on the Reimbursement List within the meaning of the Health (Pricing and Supply of Medical Goods) Act 2013

- Section 2 (1)(b) of the 2014 Bill is clearly not the same as the 1996 Act.
- Why? – Because the 2014 Bill limits the medications to the Medical Card Reimbursement List.
- The following extracts from Appendix G of Judge Quirke's Report demonstrate that HAA cardholders can freely obtain any prescribed drugs, medicines and appliances – **including medications that are not on the Reimbursement List**. The only exceptions are 'cosmetic type toiletries'.

Your prescribing physician, that is your GP, Consultant or Dentist should write your prescription on a private prescription and not on the prescriptions used for medical cardholders.

*You will be required to sign a receipt for the items dispensed to allow the pharmacist to be paid. Pharmacists are paid through the PCRS (Primary Care Reimbursement Service) of the HSE. **There are certain items which your GP/Consultant/Dentist may prescribe for you and which the pharmacist cannot get re-imbursed for from the PCRS.** In this case the pharmacist needs to get refunded by the HSE directly via your Hepatitis C Liaison Officer and they should not under any circumstances ask you to pay for these items yourself once they have been prescribed. It is a matter for the Pharmacist to address with the Liaison Officer and not with you.*

All pharmacists have been advised that if there are any questions regarding the recoupment of individual items, these should be brought to the attention of either the PCRS, or to the relevant Hepatitis C Liaison Officer, and not to the HAA cardholder. Every effort will be made by the HSE and the PCRS to sort out any problems that might arise without recourse to the individual cardholder if at all possible.

What Pharmacy products are not covered?

Cosmetic type toiletries (e.g. perfume etc) are not covered under the HAA card, this does not include creams and lotions used for certain skin conditions, which may be prescribed by your GP or Consultant in certain circumstances. Your Hepatitis C Liaison Officer can advise you on whether or not certain items are available to you on your HAA card and you should discuss any queries with them in the first instance.

- **Amendment requested:**

- To delete the following: ‘for the time being on the Reimbursement List within the meaning of the Health (Pricing and Supply of Medical Goods) Act 2013’ so that the section reads:

‘(b) drugs, medicines and medical and surgical appliances ‘

Section 2(1)(e) - dental, ophthalmic and aural services

1996 Act (e) dental, ophthalmic and aural treatment and dental, optical and aural appliances	2014 Bill (e) the dental, ophthalmic and aural services specified in section 67 of the Act of 1970
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- Section 2 (1)(e) of the 2014 Bill is clearly not the same as the 1996 Act.
- Why? – Because the 2014 Bill limits these services and medications to Medical Card standard.
- The following extracts from Appendix G of Judge Quirke's Report demonstrate that there is a huge difference between Medical Card and HAA card standard. HAA card holders can visit any private practitioner and are freely entitled to any medically necessary treatment or appliance. When referred for hospital ophthalmic or aural treatment they are entitled to an appointment within 2 weeks.

Dental

*If you require a prescription - your dentist should write your prescriptions on a private prescription form (**not on the form used for medical card prescriptions**). You are then entitled to have these prescriptions dispensed without charge on production of your HAA card by a pharmacist.*

Ophthalmic

*Any cardholder requiring a specialist medical eye examination must be referred by his/her GP or hepatologist to an appropriate consultant (this does not apply to straightforward sight tests), the optician may provide assistance with this in certain cases. **The cardholder will receive priority treatment from the HSE's Community Ophthalmic Physician**, or will receive their first appointment with a hospital consultant within two weeks.*

Aural

Hearing tests and aids (sometimes referred to as aural services) are available to all HAA cardholders. If you have difficulty with your hearing, you are advised to contact your GP or hepatologist in the first instance, so that any medical problems can be ruled out. If necessary, your hepatologist or GP might decide to refer you to an Ear, Nose and Throat (ENT) specialist. This referral as with all referrals to another specialty should be facilitated within 2 weeks and you should liaise with the Hepatitis C Liaison Nurse in your Liver Unit.

- **Amendment requested:**

- To amend Section 2(1)(e) so that it reads ‘dental, ophthalmic and aural treatment and dental, optical and aural appliances’.

Section 2(1)(f) – counselling

1996 Act (f) counselling services in respect of hepatitis C	2014 Bill (f) a counselling service, following a referral made in that regard by a registered medical practitioner, relative to a relevant participant’s admission to and work in any of the institutions specified in the Schedule
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- Section 2 (1)(f) of the 2014 Bill is clearly not the same as the 1996 Act.
- Why? – Because the 1996 Act does not include a requirement for a GP referral to a counsellor.
- Appendix G of Judge Quirke’s Report (extract reproduced below) makes it abundantly clear that a GP referral is not required. There is also provision for counselling for relatives of the women regardless of whether they have contracted Hepatitis C. Moreover, the HAA Card even allows for counselling for other close family members.

You do not need to be referred by your GP or consultant for counselling and you do not need prior approval from the Liaison Officer, as long as you attend one of the counsellors on the HSE list, which is available from your Liaison Officer. This also applies to counselling services for your spouse or partner and children (including adult children). In the case of children who contracted Hepatitis C, counselling services will also be available to their parents, brothers and sisters, without prior approval or referral.

Under certain circumstances, counselling for adults with Hepatitis C can also be extended to other close family members, particularly relatives or carers who are living with you or who are in close contact with you, with the prior approval of your Hepatitis C Liaison Officer.

- **Amendment requested:**

- To delete the following: ‘following a referral made in that regard by a registered medical practitioner,’ and to add ‘for participants and relatives’ that the section reads:

(f) a counselling service for participants and relatives, relative to a relevant participant's admission to and work in any of the institutions specified in the Schedule

Complementary therapies

- Survivors had a legitimate expectation of receiving the services and treatments outlined in Appendix G of Judge Quirke's report, including complementary therapies. It is a breach of survivors' trust to exclude any of these services or treatments (with the exception of medications specific to those suffering from Hepatitis C).
- In this regard, Magdalene survivors are being unfairly penalised because of the actions of an NGO that had no role in the administration of the HAA card.
- During Leaders' Questions on 20th January 2015, an Taoiseach Enda Kenny said:
The 2014 scheme is focused on the medical needs of the women under the scheme. Many of the services are accessible through referral by a doctor or nurse. The only substantive services that are not included under the new scheme are non-conventional therapies. The HSE funding of expenditure by Positive Action on complimentary therapies such as angel healing, emotional freedom techniques and dancing the spiral led to severe criticism and Positive Action itself was wound up in May 2014. The Minister does not wish to see the important medical supports that will be provided by the enhanced medical card undermined in any way by the inclusion of controversial, unconventional therapies.
- Minister Frances Fitzgerald reiterated this position on 17th February:
The only substantive services not included are alternative therapies. Deputies will be aware of recent difficulties related to HSE funding for alternative therapies. There was considerable public debate about the use of public money in that way.
- However on 4th February 2015, in response to a parliamentary question, Minister Leo Varadkar stated that 'Positive Action did not have any role in the administration of services to HAA cardholders.'
- It is therefore highly disingenuous of the government to use the Positive Action difficulties as a reason to exclude complementary therapies from the range of services available to Magdalene survivors.
- The Minister for Justice has stated that her Department will look into providing limited funding for some complementary therapies. However, no concrete guarantees have been made as to what will be available. Magdalene survivors expected to receive the full range of HAA card services, when they accepted their compensation and signed waivers, giving up their rights against the State. The Bill should be amended to provide for complementary therapies.