



29th September 2022

Deputy Brid Smith T.D.
Leinster House
Kildare St
Dublin 2

Re: **PQ No 44646/22**

To ask the Minister for Health the position concerning the case of two elderly persons (details supplied); if one of the homeowners can refuse to sign Fair Deal scheme forms resulting in the denial of full-time appropriate care for the other deteriorating homeowner; if the homeowner can be legally compelled to sign the forms in order that the full-time care can be provided; the measures that can be employed in such cases; and if he will make a statement on the matter.

Dear Deputy Smith,

I refer to your Parliamentary Question above and based on the information provided to me, I wish to advise the following:

1. I note that both elderly persons are homeowners who are in joint ownership of the property.
2. I note, one homeowner has dementia and has been granted power of attorney. It should be noted that an Enduring Power of Attorney (EPOA) will need to be in place for the representative to sign on behalf of the applicant for the purposes of the making of an Ancillary State Support application. If applying for State Support only, there is no requirement for an EPOA or signature of joint owner.
3. If applying for Ancillary State Support, I am not clear if both persons are part of a couple. If both persons are part of a 'couple' as defined in the Nursing Homes Support Scheme Act 2009 I refer you to Section 16 (3) (b):

Where the person in respect of whom a request for payment of Ancillary State Support is made is a member of a couple, the request for payment of such Ancillary State Support shall be made by both members of the couple (or a care representative of such person).

If they are not part of a couple:

The applicants can proceed with an application for Ancillary State Support without the signature of the joint owner i.e. as stated on part 6B of the application form –



Oifig an Stiúirthóra Náisiúnta Cúnta
Oibríochtaí Pobail
Seirbhísí do Dhaoine Scothaosta

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'the absence of prior consent in writing of a joint owner does not render void the making of a Charge in favour of the HSE'.

I hope this clarifies the matter but if you require any further information please do not hesitate to contact me directly.

Yours sincerely,

Sandra Broderick
Assistant National Director, Head of Operations & Service Improvement
Services for Older People