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14th February 2023

Deputy Doherty,
Dáil Eireann,
Leinster House,
Kildare Street,
Dublin 2.

To ask the Minister for Health what the policy of Letterkenny University Hospital was regarding the determination of next-of-kin and capacity prior to the Assisted Decision-Making (Capacity) Act 2015 which came into effect in the same year; and if he will make a statement on the matter. - Pearse Doherty

Dear Deputy,

The Health Service Executive has been requested to reply directly to you in the context of the above Parliamentary Question which you submitted to the Minister for Health for response. I have examined the matter and the following outlines the position.

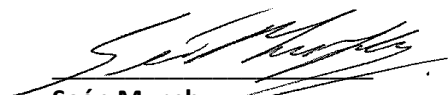
Letterkenny University Hospital follows National Policy and guidance with regard to a patient's capacity to make decisions. The Assisted Decision Making Legislation is expected to be enacted this year and LUH along with all hospitals will comply with the legislation and HSE Guidance on this issue.

The identification of next of kin is primarily a contact person within the hospital in case of emergency or for consultation with the family and has no legal standing outside of that.

The current legislative situation where a patient intervention is required and the patient is deemed not capable of making an informed decision is that emergency care will be provided on the basis of clinical need and if required, currently the approach is to seek Wardship through the High Court.

I trust this information is of assistance to you but should you have any further queries please contact me.

Yours Sincerely,



Seán Murphy
General Manager
Letterkenny General Hospital