



Changes to Nursing Homes Support Scheme following commencement of ADMCA

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Topics we will cover today

Why are we briefing you?

ADMCA commencement amended the Nursing Homes Support Scheme (NHSS) Act 2009.

Key Changes to NHSS Process

- **Specified Person** – The categories of people who can act as a specified person in relation to NHSS are reduced. Their role and responsibility has been changed. (State Support)
- **Care Representative** – A care representative will no longer be appointed by the Courts. An application for a Decision-Making Representative Order (DMRO) will be required instead. (Ancillary State Support/Nursing Home Loan)
- **Decision Support Arrangements** – How they impact on NHSS applications – Who can do what?
- **Updated NHSS Application Form** – Incorporates all relevant ADMCA changes



- Key Changes to NHSS – Who is Impacted?

Impact

- If an applicant has capacity to submit any Fair Deal application, these changes have **No** impact on the application - the Applicant should submit the application
- If an applicant does not have capacity to submit an application for State Support, the Specified Person changes impact on the application
- If an applicant does not have capacity to submit an Ancillary State Support and/or 3 Year Cap on Farms application, the Care Representative/DMRO changes impact on the application

Key Point

- Others act **ONLY** when client/applicant cannot do so



Key Changes to NHSS - Specified Person

The Role of a Specified Person is now limited to the following people:

A “specified person” in relation to a person means:

- their spouse or partner
- their child, if over 18 – no longer available to niece/nephew
- a registered medical practitioner
- a registered nurse
- a registered social worker

NOTE: Specified Person acts only where client does not have capacity to submit application for State Support.

An applicant may seek significant assistance from a 3rd party in filling out the application form and gathering supporting docs – BUT the applicant is submitting the application and 3rd party should not claim to act as Specified Person.

An Applicant can nominate a person to assist them and receive NHSS correspondence on their behalf - details within NHSS Application Form



Key Changes to NHSS - Specified Person

What documents do I need to send with the completed application form?

Please pull out this section to use as a quick guide for Parts 1, 3, 5 and 6. You do not need to send these documents with your application - keep for your own information.

Specified person Part 1 of the Application Form

Under the Nursing Home Support Scheme (NHSS), a "specified person" may act on behalf of another person where that other person lacks capacity to, amongst other things, make applications for a care needs assessment, State Support, a review of an assessment or to appeal a decision of the HSE. A specified person can be a spouse / partner or child over 18 of the applicant. A specified person can also be a registered doctor, nurse or social worker.

A specified person has very serious obligations. The NHSS Act (section 46A) sets out the **Principles with regard to specified persons**. A specified person should read the principles in full and must understand and act in accordance with the principles. The principles include always acting in good faith and for the benefit of the person, and having regard for the other person's individual circumstances and all other circumstances of which they are aware. The principles also include:

- minimising restriction of rights and freedom of action
- respecting the other person's dignity, bodily integrity, privacy, autonomy, right to control over own financial affairs and property
- giving effect to, as far as practicable, past and present will and preferences

- being proportionate and only acting for so long as is practicable
- permitting, encouraging and facilitating the other person to participate in any application under the NHSS
- taking into account the other person's beliefs and values
- considering the views of any person named by the other person as a person to be consulted
- keeping all records and information secure and only for so long as is required.

You must send us proof of your income and assets so that we can calculate your weekly contribution towards the cost of nursing home care. There are also deductions you can subtract from your total income during the financial assessment.

To help you navigate, we have broken down this information into six sections relating to Parts 3A, 3B, 3C, 3D, 5 and 6 of the application form.

Income Part 3A of the Application Form

If income is paid directly into your bank account, you need to give us bank statements for the last 6 months as well as the documents listed below.



Key Changes to NHSS - Specified Person

Part 2 – Application for care needs assessment

Notes to help you to complete Part 2

What is a care needs assessment?

The care needs assessment helps us to see if you need long-term nursing home care. When we receive your completed application form we will arrange for a care needs assessment. This assessment could be in a hospital or in your home.

A healthcare professional, such as a doctor, public health nurse or occupational therapist, will do your assessment.

They will look at:

- your ability to do everyday activities like bathing, shopping, dressing and moving around
- how you use any health and personal care services such as a home care assistant or nurse
- the family and community support available to you
- your own wishes and preferences

The assessment may include a physical examination by a healthcare professional.

The person doing the assessment writes a report. We will use this report to decide if long-term nursing home care is the best option for you. You may be asked for more information to complete the care needs assessment, such as a referral from your GP. It is important you provide this as soon as possible to complete your application.

We will write to you when a decision has been made on your care needs. You will also receive a copy of the report and the reasons for the decision.

Part 2A – To be completed by the person who may need care services

I, (insert full name) _____

hereby apply for a care needs assessment under the Nursing Homes Support Scheme.

Signed: _____

Dated:

Part 2B – To be completed when a person needing care is unable to apply for a care needs assessment on their own behalf

I, (insert full name) _____

hereby apply for a care needs assessment under the Nursing Homes Support Scheme on behalf of the applicant who it appears may need care services and is unable to make an application on his/her own behalf by reason of ill-health, physical disability or a mental health condition. I understand and undertake to act in accordance with the principles, powers, obligations and duties imposed on me by the Nursing Homes Support Scheme Act, 2009.

I make this application as (tick correct box):

- | | |
|--|---|
| <input type="checkbox"/> spouse or partner | <input type="checkbox"/> the Committee of a Ward of Court* |
| <input type="checkbox"/> child of applicant, if over 18 | <input type="checkbox"/> a person(s) appointed under a Registered Enduring Power of Attorney* |
| <input type="checkbox"/> a registered medical practitioner | <input type="checkbox"/> a Decision-Making Representative appointed by Court Order* |
| <input type="checkbox"/> a registered nurse | |
| <input type="checkbox"/> a registered social worker | |

Signed: _____

Dated:

Address: _____

Eircode: _____

Tel: _____

Email: _____



Key Changes to NHSS – Care Representative

Care Representative

- A Care Representative will no longer be appointed by the Courts.
- HOWEVER Care representatives in place for NHSS prior to commencement can continue to act in this role.
- Courts Service are accepting applications for a Decision-Making Representative Order (DMRO)

Committee of a Ward of Court (WOC)

- Applications to appoint WOC not being accepted by the Court Services since April 26th
- All adult Wards of Court will be reviewed by the Ward of Court office and discharged from Wardship within three years following commencement of ADMCA. Existing committees will retain their authority to act in the interim, pending review.

Enduring power of Attorney may continue to act once EPOA Registered



Decision Support Arrangements & NHSS

DSS Support Arrangement	Impact on NHSS Application
Decision-Making Representation Order - DMRO	DMR can act as per specific terms of the Order. NHSS acts on that instruction.
Co-Decision Making Agreement	Co-decision maker must co-sign NHSS application form and other relevant documents – assuming that specific agreement provides for this. If not signed, application is <u>null and void</u> .
Decision Making Assistance Agreement	Decision Making Assistant can assist applicant and be the person nominated on NHSS appl. form to assist applicant. DMA has no specific legal authority to act for NHSS purposes.



Decision-Making Representative

From April 26th 2023, an application to appoint a **Decision-Making Representative (DMR)** must be made to the **Circuit Court**.

NOTE: DMR appointed where applicant does not have capacity to make application for NH Loan and/or 3-year cap on farms

- Application forms to appoint a Decision-Making Representative will be available on the Courts Services website <https://www.courts.ie>
- The Circuit Court Rules on applying to be appointed as a Decision-Making Representative (DMR) are published by the Courts Service and available on their website.
- A Decision-Making Representative can only make decisions that are included in the DMRO
- Recommended text for NHSS purposes available to include on DMRO court papers



Updated NHSS Application Form

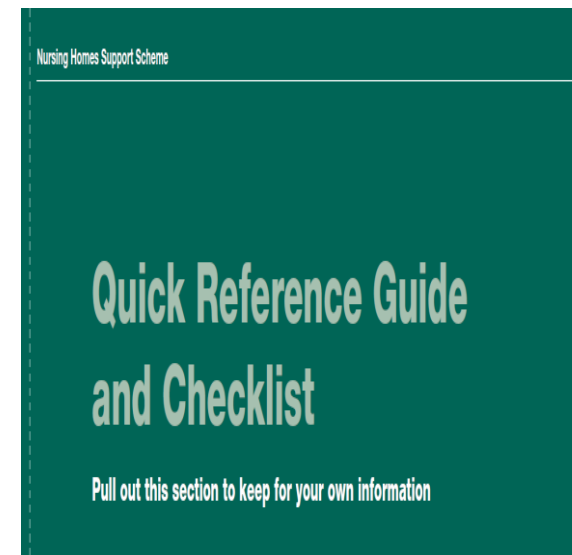
- Updated NHSS application form is available on the HSE website from April 26th - revised version available soon.
- Printed versions to all NHSOs and other areas such as Acute and Community locations now delivered
- The application form incorporates the previous NHSS Information Booklet
- Pull-out Quick Reference Guide is included within the Application Form



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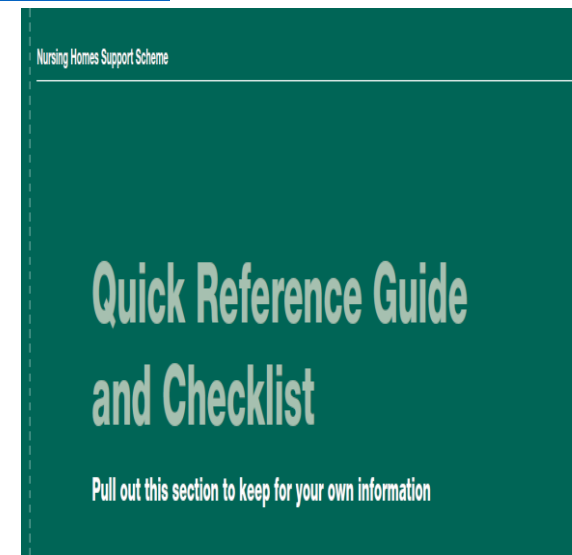


Updated NHSS Application Form

- No change to data being collected on this form
- Key changes relate to ADMC changes and enhanced information to support the applicant
- HSE Website updated for NHSS – to provide for ADMC and new Application Form available to download
- Irish language version of NHSS Application Form is also available at www.hse.ie



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More Information???

Where can applicants and family/supporters get more information?

- **HSE Website** - NHSS pages updated for ADMCA & Application Form can be downloaded
- **NHSS Application Form** - point patient/family to step by step guide to completing the form
- **HSELive** are fully briefed and can advise applicants
- **Nursing Home Support Offices** – contact details on NHSS Application Form

- **Courts Service** – www.Courts.ie for DMRO applications
- **Decision Support Service (DSS)** www.decisionsupportservice.ie for more info on ADMCA