



# **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 amends the Nursing Homes Support Scheme (NHSS) Act 2009 and these changes have also commenced on April 26<sup>th</sup>.

## Key Changes to NHSS Process

- **Specified Person** – The categories of people who can act as a specified person in relation to NHSS are reduced and 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 will be required instead. (Ancillary State Support/Nursing Home Loan)
- **Updated NHSS Application Form** – To be used from 26<sup>th</sup> April to facilitate implementation of these 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
- 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/DMR changes impact on the application

## Key Points

- All changes are embedded and explained within the new NHSS Application Form



# 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 where client does not have capacity to submit application for State Support

**The following can continue to make an application on a person’s behalf:**

- Attorney under Enduring Power of Attorney
- Decision Making Representative (appointed by the Circuit Court)
- Committee of Ward of Court – for three years max.



# 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:  D  D  M  M  Y  Y  Y  Y

### 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:  D  D  M  M  Y  Y  Y  Y

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 and applications for Care Representative accepted by the Court up to 25<sup>th</sup> April can continue to act in this role.

## Committee of a Ward of Court (WOC)

- No new applications to appoint WOC will be accepted by the Court Services from April 26<sup>th</sup>
- 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.

Courts Service are accepting applications for a **Decision-Making Representative (DMR)**.



# Decision-Making Representative

From April 26<sup>th</sup> 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) will be published by the Courts Service and available on their website. Queries in respect of applications for a DMR should be directed to the Courts Service.
- When appointed, the DMRO will list all of the decisions that the decision-making representative can make. This may include decisions about the person's personal welfare including consent to health and social care interventions, property and affairs.
- A Decision-Making Representative can only make decisions that are included in the DMRO.
- Co-decision Makers and Decision-Making Assistants do not have legal powers under NHSS to submit an application

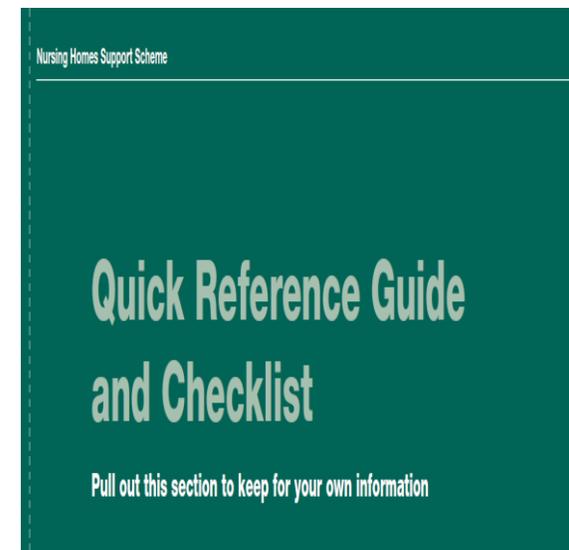


# Updated NHSS Application Form

- Updated NHSS application form is available on the HSE website from April 26<sup>th</sup>
- 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 imposed 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 will be available soon

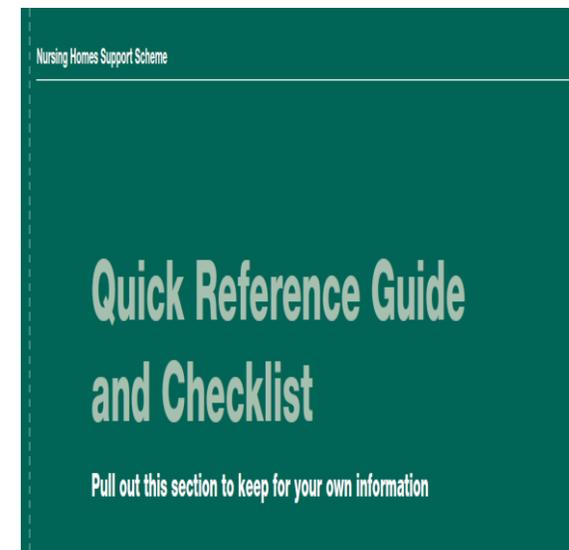


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# More Information???

*Where can applicants and family/supporters get more information?*

- **HSE Website** - NHSS pages updated for ADMCA & new 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** are fully briefed
  
- **Courts Service** – [www.Courts.ie](http://www.Courts.ie) for DMRO applications
- **Decision Support Service (DSS)** [www.decisionsupportservice.ie](http://www.decisionsupportservice.ie) for more info on ADMCA