

INFORMATION SHEET

In May 2005 An Tanaiste and Minister for Health & Children announced a scheme for the repayment of all wrongfully charged long stay maintenance charges in public long stay facilities and for public contracted beds. The scheme applies to all those eligible people who were wrongfully charged and are alive, and the estates of all those who paid long stay charges and died on or after 9th December 1998.

If you need any additional information please consult the scheme website www.repay.ie or call the **Information Line on Locall 1890 886 886** which is open from 8a.m. to 9p.m. Monday to Saturday initially. Claim forms should be sent to The Health Repayment Scheme, P.O. Box 330, Tralee, Co. Kerry.

1. Who is entitled to a Repayment?

Repayments will be made in respect of long stay charges paid under the Health (Charges for In-Patient Services) Regulations 1976 as amended in 1987 or the Institutional Assistance Regulations 1954 as amended in 1965 to those eligible persons or their estates that were wrongfully charged. Certain charges paid under these regulations in respect of respite and short to medium term care may also be recoverable as part of the scheme.

Any living person who has/had full eligibility (i.e. entitled to or has/had a medical card) and who wrongfully paid long stay charges or had money deducted from their pension for long stay in-patient services is entitled to a repayment.

The estates of those persons wrongfully charged and who died on or after 9th December 1998 are entitled to a repayment under the scheme.

Living Persons

A claim may be made by the following people:

- A person who was wrongfully charged
- A person who has been nominated in writing by the person wrongfully charged. Such claims will be paid into the account of the patient.
- The Registrar of Wards of Court if the person is a ward of court
- A person with certificate of registration of an enduring power of attorney in respect of the person wrongfully charged
- A next friend of the person appointed by a court

Living Family of Persons Charged

If a living spouse or living child was asked to make payments from their own resources in respect of a person who was fully eligible and resided in a publicly funded long stay facility, then the spouse or child is entitled to claim back the amount which they paid from their own resources.

Deceased Persons

In the case of a person who was wrongfully charged for public long stay charges and died on or after the 9th December 1998 an application may be made by the estate of that person by the following:

- If a grant of representation has been obtained in respect of the estate, the person appointed as executor or administrator by the grant is entitled to make the claim.
- If a grant of representation has not issued in respect of the estate, the person entitled to take out a grant of representation may make a claim as soon as he/she has obtained a certificate from the Scheme Administrator that he/she is the correct person to make the claim. – See Section 13 below entitled *What Should happen if the Patient died and there is no Grant of Representation?*

In accordance with the Health (Repayment Scheme) Act 2006, priority will be given to processing claims for people who are still living.

2. What happens if there is no-one who fits the categories to claim for a living person?

If the patient is unable to make an application due to a physical or mental disability or ill-health and there is no-one who fits the other categories set out above, the HSE may make the claim. The repayment will be lodged to the patient's account with the long stay facility where they are resident.

3. What amount will be repaid?

The repayment will be the amount of the charges wrongfully charged and paid or the amount calculated by reference to Section 6 of the Health (Repayment Scheme) Act 2006 where the information is not available. An amount will be added to the repayment in respect of the Consumer Price Index over the period and the amount of the full repayment will then be adjusted for any monies paid under the Ex Gratia Scheme and any monies owing under the current public long stay charges which were re-introduced on 14th July 2005 under the Health (Amendment) Act 2005.

4. What will happen once I put in a claim?

The Scheme is designed to be clear and as easy to operate as possible. There will be four phases that each Claim will go through:

1. Lodging the Claim

Claimants will complete and swear a claim form and send it to the Scheme Administrator. Once the claim is received it will be given a claim number which will be quoted in all later correspondence.

2. Confirm Eligibility for Medical Card

Where the Scheme Administrator is satisfied that the patient already had a medical card or was clearly eligible for a card, the claim will be sent forward for processing. If the position is not clear, you may be asked for further information. Once this is received, an assessment on eligibility will be made.

3. Search of the Records

Members of the Scheme Administrator's staff will review relevant records in the various long stay facilities where the patient resided and gather available information in order that your claim can be processed. Where records are incomplete, the Scheme Administrator will provide estimated calculations based on available records and/or comparable claims from residents in other long stay facilities.

4. Valuation of Claims and Payment

Your repayment will then be calculated. You will be informed of the amount calculated and asked to confirm that you are satisfied with the calculation. Once you confirm to the Scheme Administrator that you are satisfied with the repayment calculation and no appeal is received the payment will be issued after the 28 day appeal period has expired. If you are not satisfied with the calculated amount, you can appeal against the decision within 28 days of receipt of the notice of the repayment amount. See Section 6 below entitled *Can I appeal if I don't agree with the decision?*

5. Cost

There will be no charge by the Scheme Administrator to a claimant making a claim. If you swear your claim form before a peace commissioner, he/she will not charge you. If you swear before a practising solicitor you may be asked for a fee of €10.00 approximately. You will find a list of peace commissioners at your local Garda Station.

6. Can I appeal if I don't agree with the decision?

If you are not happy with the decision on your claim, you can appeal to an independent Appeals Officer, who will re-examine all available records and any additional information you provide. The decision of the Appeals Officer will be issued to you in writing and any payment due as a result of the appeal decision will then be made.

If you are not satisfied with the Appeals Officer's decision your case can be referred to the Ombudsman and/or the High Court.

7. How can I donate part of my Repayment?

When you are informed of the amount of your claim you will have an opportunity to decide the amount (if any) of the donation you may wish to make.

The Repayment Scheme Donations Fund will be used by the HSE in addition to State allocated funds to improve public health services and quality of care for dependent older persons and people with disabilities. Funds donated will be used in as far as is practicably possible for the purpose intended whether that purpose relates to a local long stay facility, a particular service or general health services.

8. How will I receive my Repayment?

When you are informed of the amount of your claim you will be asked how you wish to be paid. In the case of living persons who are currently residing in a public nursing home, the money can be paid to you by cheque or transferred to your bank, building society, credit union or post office account. The monies can also be lodged on behalf of the patient to the patient's private property account.

9. What is the Ex Gratia Scheme?

In early 2005 a payment of up to €2,000 to living persons who had been wrongfully charged was authorised by the Government. If you have received such a payment already, your Claim will be reduced by the same amount.

10. Unique Numbers

The claim form asks for various different numbers such as PPS or RSI numbers, medical card numbers and pension book numbers. Not everyone has all of these numbers, so just fill in what you can. If you do not know the PPS number, the Client Identity Services section of the Department of Social and Family Affairs (telephone: 01 7043281) will assist you. The reason for asking for this information is to help the Scheme Administrator to avoid confusion between people with the same or similar names, which could delay the processing of claims.

11. Will my Repayment affect my Social Welfare Entitlement?

Monies which are repaid under the scheme to a living patient or a living spouse or child of the patient who paid charges out of their own

resources will not be taken into account in assessing the person's means for the purposes of determining, assessing or reviewing entitlements to a health or social welfare benefit.

Monies paid to the spouse of a deceased patient out of an estate will also not be taken into account in assessing the person's means for the purposes of determining, assessing or reviewing entitlements to a health or social welfare benefit. The normal means assessment arrangements will apply to all others who benefit from repayments to estates.

12. Will I be taxed on my Repayment?

Monies which are repaid under the scheme to a living patient or a living spouse or child of the patient who paid charges out of their own resources will be disregarded for the purposes of income tax assessment.

13. What should happen if the Patient died and there is no Grant of Representation?

If no Grant of Representation has been obtained in respect of an estate and you think you may be the person entitled to take out such a grant and make a claim on behalf of the estate, then you should read the blue Explanatory Notes to Form of Entitlement and then fill in and swear the blue Form of Entitlement only. It should be sent to Health Repayment Scheme, PO Box 330, Tralee, Co. Kerry. The Scheme Administrator will issue a certificate as to the person entitled to take out the grant of representation. If you are the person named in the certificate, you will then be entitled to fill in and swear a Claim Application Form on behalf of the estate of the deceased person and send it to the Scheme Administrator for processing.

14. Can I put in a claim for more than one deceased family member?

If you believe a number of your deceased family members may have been wrongfully charged, a separate claim for each one of them may be made by the executor or administrator of each estate or by the person entitled to take out a grant. See Section 13 above.

15. What is the latest date I can make a Claim?

The last date for receipt of claims is currently 31st December 2007.

16. How will the privacy of the records be protected?

Details of your claim form and all the information gathered in the record searches will be stored in a dedicated secure database which will only be capable of being inspected by specially authorised people. This information will be handled in a way which maintains privacy and complies fully with the law on data protection.

17. Satisfaction of Right to Claim

Receipt of a repayment is deemed to be in full settlement of a claim. Therefore no second or additional claims will be considered from any person in respect of a claim already settled. Anyone who receives a payment under the

scheme will be deemed to waive their right to sue for recoverable charges. It is very important that your claim is as accurate and complete as possible from the information available to you.

18. Repayment Scheme Website *www.repay.ie*

Our website www.repay.ie will contain information to assist claimants to understand the Scheme. The website and all its contents will be available in English and Irish. The website enables Claimants to access the following:

- A brief history of the Scheme;
- All legislation governing the Scheme;
- A printable Claim Application Form;
- A printable version of this Information Sheet;
- A printable Form of Entitlement plus the explanatory notes; and
- A page for frequently asked questions that will provide Claimants with answers to more detailed issues than those described in this information sheet.

Disclaimer Notice

Every effort has been made to ensure that the information in this sheet is accurate as at the date of production. However the Scheme Administrator accepts no responsibility for any inaccuracy. Claimants should inform themselves of the terms of the Health (Repayment Scheme) Act 2006 and in case of doubt should consider taking legal advice.

Further information in regard to the Repayment Scheme is available from the Scheme Local Information Line No. 1890 886 886, which is open from 8a.m. to 9p.m. Monday to Saturday initially and the Scheme website www.repay.ie **Claim forms should be sent to The Health Repayment Scheme, P.O. Box 330, Tralee, Co. Kerry.**