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*Number 42 of 2014*

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**Health Insurance (Amendment) Act 2014**

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[No. 42.]

*Health Insurance (Amendment) Act 2014.*

[2014.]

ACTS REFERRED TO

Health Insurance Act 1994 (No. 16)

Health Insurance Acts 1994 to 2013

Stamp Duties Consolidation Act 1999 (No. 31)



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*Number 42 of 2014*

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## **HEALTH INSURANCE (AMENDMENT) ACT 2014**

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An Act to amend the Health Insurance Act 1994 to specify the allowable rate of net premium payable in respect of young adults; to amend that Act to provide for the transfer of an insured person from a restricted membership undertaking to another registered undertaking without the application of any additional initial waiting period; to amend that Act to specify the amount of premium to be paid from the risk equalisation fund, in respect of certain classes of insured persons, from 1 March 2015; to amend that Act to specify the amount of hospital bed utilisation credit applicable from 1 March 2015; to make certain other amendments to that Act; to make consequential amendments to the Stamp Duties Consolidation Act 1999; and to provide for related matters.

[25th December, 2014]

**Be it enacted by the Oireachtas as follows:**

### **Definition**

1. In this Act “Principal Act” means the Health Insurance Act 1994.

### **Amendment of section 7 of Principal Act**

2. (1) Section 7 of the Principal Act is amended—

(a) in subsection (5)(b), by the substitution of the following subparagraph for subparagraph (i):

“(i) (I) to a person who is of or over the age of 18 years and under the age of 21 years, such a net premium being not more than 50 per cent of the net premium in respect of a person other than the persons specified in this subsection under a health insurance contract effected by that undertaking,

(II) to a person who is of or over the age of 21 years and under the age of 22 years, such a net premium being not less than 51 per cent and not more than 60 per cent of the net premium in respect of a person other than the persons specified in this subsection under a health insurance contract effected by that undertaking,

(III) to a person who is of or over the age of 22 years and under the age of 23 years, such a net premium being not less than

61 per cent and not more than 70 per cent of the net premium in respect of a person other than the persons specified in this subsection under a health insurance contract effected by that undertaking,

(IV) to a person who is of or over the age of 23 years and under the age of 24 years, such a net premium being not less than 71 per cent and not more than 80 per cent of the net premium in respect of a person other than the persons specified in this subsection under a health insurance contract effected by that undertaking,

(V) to a person who is of or over the age of 24 years and under the age of 25 years, such a net premium being not less than 81 per cent and not more than 90 per cent of the net premium in respect of a person other than the persons specified in this subsection under a health insurance contract effected by that undertaking, and

(VI) to a person who is of or over the age of 25 years and under the age of 26 years, such a net premium being not less than 91 per cent and not more than 100 per cent of the net premium in respect of a person other than the persons specified in this subsection under a health insurance contract effected by that undertaking.”,

and

(b) by the insertion of the following subsection after subsection (5):

“(5A) Where a registered undertaking proposes to reduce the net premium payable in the manner provided by subsection (5)(b)(i), it shall do so in relation to all classes of persons referred to in clauses (I) to (VI) of that subsection in the manner provided in those clauses.”.

(2) *Subsection (1)* comes into operation on 1 May 2015.

### **Amendment of section 7A of Principal Act**

**3.** Section 7A of the Principal Act is amended—

(a) in subsection (2), by the substitution of “Notwithstanding section 7, but subject to subsections (2A) and (3), a registered undertaking shall require,” for “Notwithstanding section 7 but subject to subsection (2A), a registered undertaking may require,”, and

(b) by the substitution of the following subsection for subsection (3):

“(3) Any obligation to require the payment of such greater amount is subject to regulations under subsection (6) (whether made before, on or after the commencement of *section 3* of the *Health Insurance (Amendment) Act 2014*).”.

**Amendment of section 8 of Principal Act****4.** Section 8 of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (3):

“(3) For the purposes of this Act, the Minister may prescribe the maximum waiting periods for eligibility for services or payments, or both, under a health insurance contract which a registered undertaking may impose in respect of the person effecting the contract or his or her dependents including, but without prejudice to the generality of the foregoing, in respect of a person who—

- (a) is of or under a prescribed age,
- (b) is of or over a prescribed age,
- (c) is suffering from a medical condition when the contract is effected,
- (d) effects a health insurance contract in the State without previously having effected a health insurance contract in the State,
- (e) effects a health insurance contract with the undertaking having previously effected a health insurance contract with that undertaking whether in respect of the same or different services or payments, or both, or
- (f) effects a health insurance contract with the undertaking having previously effected a health insurance contract with another registered undertaking whether in respect of the same or different services or payments, or both.”

(b) by the substitution of the following subsection for subsection (5):

“(5) Where a health insurance contract (‘the first-mentioned contract’) effected with a registered undertaking (including such undertaking which is a restricted membership undertaking) ceases to be in force and a person who was a party to or named in that contract effects, within such period after that cesser as may be prescribed, another health insurance contract with a registered undertaking (‘the second-mentioned contract’), then insofar as the second-mentioned contract is in respect of such services or payments, or both, as would have been provided or payable, as appropriate, under the first-mentioned contract—

- (a) the waiting period for eligibility for the service or the payment, or both, under the second-mentioned contract to—
  - (i) the person, or
  - (ii) any other person who is named in the contract and was also a party to or named in the first-mentioned contract,

shall not be any longer than it would have been if the second-mentioned contract had been effected at the time the first-mentioned contract had been effected, and

- (b) there shall be deemed to be expired so much of that waiting period as is equal to so much of the like period under the first-mentioned contract as had expired at the time of the cesser aforesaid.”,

and

- (c) by the deletion of subsection (6).

#### **Amendment of section 11C of Principal Act**

5. (1) Section 11C of the Principal Act is amended, in subsection (1)(b), by the substitution of “1 March 2015” for “1 March 2014”.
- (2) *Subsection (1)* comes into operation on 1 March 2015.

#### **Amendment of Schedule 3 to Principal Act**

6. (1) Schedule 3 to the Principal Act is amended by the substitution of “€90.00” for “€60.00”.
- (2) *Subsection (1)* comes into operation on 1 March 2015.
- (3) Schedule 3 to the Principal Act, amended by *subsection (1)*, only applies in the case of a health insurance contract entered into or renewed on or after 1 March 2015 (and, accordingly, that Schedule, as in force immediately before that date, shall continue to apply in the case of a health insurance contract entered into or renewed on or after 1 March 2014 but before 1 March 2015).

#### **Amendment of Schedule 4 to Principal Act**

7. (1) Schedule 4 to the Principal Act is amended by the substitution of the following Table for Table 2:

“TABLE 2

AMOUNTS APPLICABLE ON OR AFTER 1 MARCH 2015

<b>Class of Insured Person</b>	<b>Amount of premium to be paid from Fund</b>
Male aged 50 years and over but less than 55 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	Nil
Male aged 50 years and over but less than 55 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	Nil

<b>Class of Insured Person</b>	<b>Amount of premium to be paid from Fund</b>
Female aged 50 years and over but less than 55 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	Nil
Female aged 50 years and over but less than 55 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	Nil
Male aged 55 years and over but less than 60 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	Nil
Male aged 55 years and over but less than 60 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	Nil
Female aged 55 years and over but less than 60 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	Nil
Female aged 55 years and over but less than 60 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	Nil
Male aged 60 years and over but less than 65 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€200
Male aged 60 years and over but less than 65 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€425
Female aged 60 years and over but less than 65 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€150
Female aged 60 years and over but less than 65 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€300

<b>Class of Insured Person</b>	<b>Amount of premium to be paid from Fund</b>
Male aged 65 years and over but less than 70 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€525
Male aged 65 years and over but less than 70 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€1,075
Female aged 65 years and over but less than 70 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€350
Female aged 65 years and over but less than 70 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€725
Male aged 70 years and over but less than 75 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€825
Male aged 70 years and over but less than 75 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€1,750
Female aged 70 years and over but less than 75 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€600
Female aged 70 years and over but less than 75 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€1,200
Male aged 75 years and over but less than 80 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€1,025
Male aged 75 years and over but less than 80 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€2,250
Female aged 75 years and over but less than 80 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€800

<b>Class of Insured Person</b>	<b>Amount of premium to be paid from Fund</b>
Female aged 75 years and over but less than 80 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€1,700
Male aged 80 years and over but less than 85 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€1,475
Male aged 80 years and over but less than 85 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€2,975
Female aged 80 years and over but less than 85 years on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€1,025
Female aged 80 years and over but less than 85 years on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€2,125
Male aged 85 years and over on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€1,750
Male aged 85 years and over on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€3,725
Female aged 85 years and over on the date the relevant contract (being a relevant contract (non-advanced cover)) is renewed or entered into, as the case may be	€1,125
Female aged 85 years and over on the date the relevant contract (being a relevant contract (advanced cover)) is renewed or entered into, as the case may be	€2,475

”.

(2) *Subsection (1)* comes into operation on 1 March 2015.

#### **Amendment of section 125A of Stamp Duties Consolidation Act 1999**

8. (1) Section 125A of the Stamp Duties Consolidation Act 1999 is amended by the substitution of the following definition for the definition of “specified rate”:

“ ‘specified rate’ means—

- (a) in respect of relevant contracts renewed or entered into on or after 1 January 2015 and on or before 28 February 2015—

- (i) €100.00 in respect of an insured person aged less than 18 years insured under a relevant contract which provides for non-advanced cover,
  - (ii) €135.00 in respect of an insured person aged less than 18 years insured under a relevant contract which provides for advanced cover,
  - (iii) €290.00 in respect of an insured person aged 18 years or over insured under a relevant contract which provides for non-advanced cover, and
  - (iv) €399.00 in respect of an insured person aged 18 years or over insured under a relevant contract which provides for advanced cover,
- and
- (b) in respect of relevant contracts renewed or entered into on or after 1 March 2015—
    - (i) €80.00 in respect of an insured person aged less than 18 years insured under a relevant contract which provides for non-advanced cover,
    - (ii) €135.00 in respect of an insured person aged less than 18 years insured under a relevant contract which provides for advanced cover,
    - (iii) €240.00 in respect of an insured person aged 18 years or over insured under a relevant contract which provides for non-advanced cover, and
    - (iv) €399.00 in respect of an insured person aged 18 years or over insured under a relevant contract which provides for advanced cover.”.

(2) *Subsection (1)* comes into operation on 1 January 2015.

#### **Short title, collective citation and construction**

9. (1) This Act may be cited as the Health Insurance (Amendment) Act 2014.
- (2) The Health Insurance Acts 1994 to 2013 and this Act (other than *section 8*) may be cited together as the Health Insurance Acts 1994 to 2014 and shall be construed together as one Act.