



Number 47 of 2021

Health Insurance (Amendment) Act 2021



Number 47 of 2021

HEALTH INSURANCE (AMENDMENT) ACT 2021

CONTENTS

Section

1. Definition
2. Amendment of section 6A of Principal Act
3. Amendment of section 7E of Principal Act
4. Amendment of section 7F of Principal Act
5. Amendment of section 11C of Principal Act
6. Amendment of Schedule 4 to Principal Act
7. Amendment of Principal Act by addition of Schedule 5 relating to high cost claims
8. Amendment of section 125A of Stamp Duties Consolidation Act 1999
9. Short title, commencement, collective citation and construction

ACTS REFERRED TO

Health (Pricing and Supply of Medical Goods) Act 2013 (No. 14)

Health Insurance Act 1994 (No. 16)

Health Insurance Acts 1994 to 2020

Stamp Duties Consolidation Act 1999 (No. 31)



Number 47 of 2021

HEALTH INSURANCE (AMENDMENT) ACT 2021

An Act to amend the Health Insurance Act 1994 to specify the amount of premium to be paid from the Risk Equalisation Fund in respect of certain classes of insured persons from 1 April 2022; to make certain other amendments of that Act, including making provision for how certain high cost claims under health insurance contracts are to be treated for risk equalisation purposes; to make a consequential amendment to the Stamp Duties Consolidation Act 1999; and to provide for related matters.

[22nd December, 2021]

Be it enacted by the Oireachtas as follows:

Definition

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

Amendment of section 6A of Principal Act

2. Section 6A of the Principal Act is amended, in subsection (1)—

(a) in the definition of “risk equalisation credits”—

(i) in paragraph (a), by—

(I) the deletion of “and” after subparagraph (i), and

(II) the insertion of the following subparagraph after subparagraph (i):

“(ia) the payment from the Fund to the undertaking on behalf of the individual of any high cost claim credits which the individual is entitled to have so paid, and”,

and

(ii) in paragraph (b), by—

(I) the deletion of “and” after subparagraph (i), and

(II) the insertion of the following subparagraph after subparagraph (i):

“(ia) the amount of the high cost claim credits (if any) referred to in paragraph (a)(ia), and”,

(b) by the insertion of the following definitions:

“ ‘high cost claim’ means a claim, or more than one claim, arising in any period of 12 months prescribed for that purpose relating to an insured person under a health insurance contract or contracts effected by the same registered undertaking—

- (a) the amount, or the cumulative amount, of which claim or claims, as the case may be, exceeds the high cost claim threshold, and
- (b) which has or have been paid by the undertaking,

but does not include a claim for the cost of drugs that are not listed on the Reimbursement List established and published by the Health Service Executive under section 17 of the Health (Pricing and Supply of Medical Goods) Act 2013;

‘high cost claim credit’ means the amount that is equal to the high cost claim quota share multiplied by the amount by which the high cost claim exceeds the high cost claim threshold;

‘high cost claim quota share’ means the percentage that is specified in paragraph 2 of Schedule 5 as the high cost claim quota share, being the portion of a high cost claim in excess of the high cost claim threshold payable from the Fund as a high cost claim credit;

‘high cost claim threshold’, in relation to a high cost claim, means the sum of the following amounts:

- (a) the amount that is specified in paragraph 1 of Schedule 5, and
- (b) the amount (if any) of any other risk equalisation credits (other than high cost claim credits) claimed from the Fund relating to the insured person under a health insurance contract or contracts arising in the period of 12 months to which the high cost claim relates;”

and

- (c) in paragraph (a) of the definition of “relevant amount”, by the insertion of “, but only if that number of nights’ or days’ accommodation were paid under the health insurance contract concerned” after “private hospital accommodation which fall within the hospital stay concerned referred to in that definition”.

Amendment of section 7E of Principal Act

3. Section 7E of the Principal Act is amended, in subsection (1A)—

- (a) in paragraph (b), by the substitution of “set out in Schedule 4 or both, or” for “set out in Schedule 4 or both.”, and
- (b) by the addition of the following paragraph after paragraph (b):

“(c) in the case of high cost claims, on the basis of the amount and percentage specified in the notice or on the basis of the amount and percentage specified in Schedule 5 or both.”.

Amendment of section 7F of Principal Act

4. Section 7F of the Principal Act is amended, in subsection (4A)—

- (a) in paragraph (a), by the substitution of “6 per cent per annum” for “4.4 per cent per annum”,
- (b) in paragraph (b), by the substitution of “Subject to paragraph (c), paragraph (a) shall, with all necessary modifications, apply” for “Paragraph (a) shall, with all necessary modifications, apply”, and
- (c) by the addition of the following paragraph after paragraph (b):

“(c) In respect of each of the following applicable 3 year periods—

- (i) the 3 year period from 1 January 2020 to the end of 2022, and
- (ii) the 3 year period from 1 January 2021 to the end of 2023,

the reference in paragraph (a) to 6 per cent per annum shall, as respects the applicable 3 year period referred to in subparagraph (i), be read as a reference to 4.9 per cent per annum and, as respects the applicable 3 year period referred to in subparagraph (ii), be read as a reference to 5.5 per cent per annum and paragraph (a) shall apply accordingly.”.

Amendment of section 11C of Principal Act

5. Section 11C of the Principal Act is amended—

- (a) in subsection (1)(b), by the substitution of “1 April 2022” for “1 April 2021”,
- (b) in subsection (2), by the substitution of “Subject to subsection (2A), a registered undertaking or former registered undertaking may” for “A registered undertaking or former registered undertaking may”, and
- (c) by the insertion of the following subsection after subsection (2):

“(2A) A claim (or a part thereof) for a payment shall not be made to the Authority by a registered undertaking or former registered undertaking under subsection (2) if entitlement to the risk equalisation credits to which the claim (or a part thereof) relates arose more than 6 years before 31 March in the period of 12 months prior to the date of the making of the claim.”.

Amendment of Schedule 4 to Principal Act

6. 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 APRIL 2022

Class of Insured Person	Amount of premium to be paid from Fund
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
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	Nil
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	Nil
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	Nil

Class of Insured Person	Amount of premium to be paid from Fund
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	Nil
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	€325
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	€950
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	€150
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	€500
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	€500
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	€1,575
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	€350
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	€1,075
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	€775
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	€2,375

Class of Insured Person	Amount of premium to be paid from Fund
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	€575
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	€950
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	€650
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	€1,150
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	€3,550
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	€775
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	€2,425

”

Amendment of Principal Act by addition of Schedule 5 relating to high cost claims

7. The Principal Act is amended by the addition of the following Schedule after Schedule 4:

“SCHEDULE 5

Section 6A

AMOUNT AND PERCENTAGE SPECIFIED FOR PURPOSES OF DEFINITIONS RELATING TO HIGH COST CLAIMS

1. Amount specified for the purposes of paragraph (a) of the definition of ‘high cost claim threshold’ - €50,000.
2. Percentage specified as the high cost claim quota share - 40 per cent.”.

Amendment of section 125A of Stamp Duties Consolidation Act 1999

8. 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 2022 and on or before 31 March 2022—
 - (i) €52 in respect of an insured person aged less than 18 years insured under a relevant contract which provides for non-advanced cover,
 - (ii) €150 in respect of an insured person aged less than 18 years insured under a relevant contract which provides for advanced cover,
 - (iii) €157 in respect of an insured person aged 18 years or over insured under a relevant contract which provides for non-advanced cover, and
 - (iv) €449 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 April 2022—
 - (i) €41 in respect of an insured person aged less than 18 years insured under a relevant contract which provides for non-advanced cover,
 - (ii) €135 in respect of an insured person aged less than 18 years insured under a relevant contract which provides for advanced cover,
 - (iii) €122 in respect of an insured person aged 18 years or over insured under a relevant contract which provides for non-advanced cover, and

- (iv) €406 in respect of an insured person aged 18 years or over insured under a relevant contract which provides for advanced cover.”.

Short title, commencement, collective citation and construction

9. (1) This Act may be cited as the Health Insurance (Amendment) Act 2021.
- (2) (a) *Section 8* shall come into operation on 1 January 2022.
- (b) This Act (other than *section 8*) shall come into operation on such day or days as the Minister for Health may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
- (3) The Health Insurance Acts 1994 to 2020 and this Act (other than *section 8*) may be cited together as the Health Insurance Acts 1994 to 2021 and shall be construed together as one.