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*Number 32 of 2017*

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**Health and Social Care Professionals (Amendment) Act 2017**

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ACTS REFERRED TO

Health (Miscellaneous Provisions) Act 2014 (No. 33)

Health and Social Care Professionals (Amendment) Act 2012 (No. 46)

Health and Social Care Professionals Act 2005 (No. 27)



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*Number 32 of 2017*

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## **HEALTH AND SOCIAL CARE PROFESSIONALS (AMENDMENT) ACT 2017**

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An Act to amend the Health and Social Care Professionals Act 2005; and to provide for related matters. [9th December, 2017]

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

### **Definitions**

1. In this Act—

“Act of 2012” means the Health and Social Care Professionals (Amendment) Act 2012;

“Act of 2014” means the Health (Miscellaneous Provisions) Act 2014;

“Principal Act” means the Health and Social Care Professionals Act 2005.

### **Amendment of section 9 of Principal Act**

2. Section 9 of the Principal Act is amended—

(a) in subsection (7) (amended by section 3(b) of the Act of 2012)—

(i) in paragraph (a), by the substitution of “being designated in section 4(1) or by regulation under section 4(2)” for “being designated by regulation”, and

(ii) in paragraph (b), by the insertion of “to fill a casual vacancy or” after “to the Council”,

and

(b) by the insertion of the following subsection after subsection (8) (inserted by section 7 of the Act of 2014):

“(9) In this section, ‘casual vacancy’ has the same meaning as it has in Schedule 1.”.

### **Amendment of section 28 of Principal Act**

3. Section 28 (amended by section 15 of the Act of 2014) of the Principal Act is amended—

(a) in subsection (1), by the deletion of “, subsection (8)”,

(b) in subsection (4), by the insertion of “and until the end of the transitional period, within the meaning of section 90, in relation to the profession concerned” after “first constituted”, and

- (c) by the deletion of subsection (8).

**Amendment of section 28A of Principal Act**

4. Section 28A (inserted by section 16 of the Act of 2014) of the Principal Act is amended—
- (a) in subsection (1), by the substitution of “(7) and (10)(a)” for “(7), (10)(a) and (11)”,
  - (b) in subsection (4), by the insertion of “and until the end of the transitional period (if any) within the meaning of section 90, in relation to each of the professions concerned” after “first constituted”,
  - (c) in subsection (5), by the insertion of “and until the end of the transitional period within the meaning of section 90, in relation to the profession concerned” after “for that profession”, and
  - (d) by the deletion of subsection (11).

**Amendment of section 31 of Principal Act**

5. Section 31 of the Principal Act is amended—

- (a) in subsection (1), by the substitution of the following paragraph for paragraph (fa) (inserted by section 6(b) of the Act of 2012):

“(fa) criteria or conditions, including criteria or conditions as to further education, training or experience, for persons who wish to—

- (i) commence the practice of that profession where the person concerned—

- (I) holds an approved qualification (within the meaning of section 38), or

- (II) was awarded a Bachelor of Science in Applied Health Science and a Diploma in Physical Therapy by the Institute of Physical Therapy and Applied Science Dublin after 1 January 2013,

and he or she has not practised the profession, for a period specified in the bye-laws, since obtaining the approved qualification or Bachelor of Science and Diploma concerned, or

- (ii) resume the practice of that profession after not having practised the profession for a period specified in the bye-laws,

including criteria or conditions relating to—

- (I) the education and training of those persons,

- (II) the manner of verifying that those persons possess the relevant competencies, or

(III) any other matter where, in the opinion of the registration board concerned, the specification in bye-laws of criteria or conditions relating to that matter is necessary or desirable for the protection of the public;”,

and

(b) by the substitution of the following subsection for subsection (2):

“(2) A code of professional conduct and ethics adopted by the registration board of a designated profession must specify—

- (a) the standards of conduct, performance and ethics expected of registrants of that profession, and
- (b) that registrants of that profession act within the limits of their knowledge, skills, competence and experience.”.

#### **Amendment of section 38 of Principal Act**

6. Section 38 of the Principal Act is amended—

(a) in subsection (1), by the substitution of the following paragraph for paragraph (ca) (inserted by section 7(a) of the Act of 2012):

“(ca) where the board has made a bye-law under subparagraph (i) or (ii) of section 31(1)(fa) in respect of persons who hold an approved qualification (within the meaning of section 38), and a person to whom the bye-law applies satisfies the board that he or she has met the criteria and fulfilled the conditions specified in that bye-law,”,

and

(b) by the insertion of the following subsection after subsection (2E) (inserted by section 22(e) of the Act of 2014):

“(2F) The Physiotherapists Registration Board shall grant registration to a person who—

- (a) applies on or after the date on which *section 6(b) of the Health and Social Care Professionals (Amendment) Act 2017* comes into operation and not later than 31 December 2019, to the Physiotherapists Registration Board for registration,
- (b) meets the requirements of paragraphs (a), (c), (d) and (e) of subsection (1),
- (c) where the Physiotherapists Registration Board has made a bye-law under section 31(1)(fa)(i) in respect of persons who were awarded a Bachelor of Science in Applied Health Science and a Diploma in Physical Therapy by the Institute of Physical Therapy and Applied Science Dublin after 1 January 2013 and a person to whom the bye-law applies satisfies that board that he or she has met the criteria and fulfilled the conditions specified in that bye-law, and

- (d) was awarded a Bachelor of Science in Applied Health Science and a Diploma in Physical Therapy by the Institute of Physical Therapy and Applied Science Dublin after 1 January 2013.”.

#### **Amendment of section 91 of Principal Act**

#### **7. Section 91 of the Principal Act is amended—**

- (a) by the insertion of the following subsections after subsection (4):

“(4A) The Physiotherapists Registration Board (in this subsection and subsection (4B) referred to as “the Board”) shall grant registration to a person who—

- (a) applies on or after the date on which *section 7* of the *Health and Social Care Professionals (Amendment) Act 2017* comes into operation, and not later than one year after that date, to the Board for registration,

- (b) meets the requirements of paragraphs (b), (d) and (e) of subsection (1),

- (c) demonstrates to the satisfaction of the Board engagement in the State in the assessment, treatment and management of musculoskeletal disorders, under the title of physiotherapist or physical therapist, for a period (or periods which, when taken together, amount to such period) of 2 years during the 5 year period ending on the date on which *section 7* of the *Health and Social Care Professionals (Amendment) Act 2017* comes into operation, and

- (d) either—

- (i) holds—

- (I) a Diploma in Physical Therapy awarded after 1991 and before 2010 by the Institute of Physical Therapy and Applied Science Dublin, or a Diploma in Physical Therapy and Bachelor of Science in Applied Health Science awarded after 2009 by the Institute of Physical Therapy and Applied Science Dublin, or

- (II) a professional qualification that, in the opinion of the Board, is sufficiently relevant to that profession and attests to a standard of proficiency corresponding to a qualification in clause (I),

or

- (ii) successfully completes an assessment of professional competence set by the Board in accordance with any guidelines issued by the Council that attests to the standard of proficiency in the assessment, treatment and management of



musculoskeletal disorders required for registration in the profession.

(4B) The function of the Board under subsection (4A) is in addition to, and not in substitution for, its function under subsection (1) in relation to applicants for registration.”,

and

(b) in subsection (6), by the insertion of “or during the period referred to in subsection (4A)(a)” after “during the transitional period under this section.”.

**Amendment of section 91A of Principal Act**

8. Section 91A (inserted by section 16 of the Act of 2012) of the Principal Act is amended in paragraph (b), by the insertion of “or, where appropriate, after the end of the period specified in subsection (4A)(a) of that section” after “transitional period concerned”.

**Short title and commencement**

9. (1) This Act may be cited as the Health and Social Care Professionals (Amendment) Act 2017.
- (2) This Act 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.