



STATUTORY INSTRUMENTS.

S.I. No. 147 of 2022



HEALTH INSURANCE ACT 1994 (RISK EQUALISATION SCHEME)
(AMENDMENT) REGULATIONS 2022

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I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by section 3 (as amended by section 13(b) of the Health Insurance (Amendment) Act 2001 (No. 17 of 2001) and 11F (inserted by section 15 of the Health Insurance (Amendment) Act 2012 (No. 45 of 2012)) of the Health Insurance Act 1994 (No. 16 of 1994), hereby make the following regulations:

1. These Regulations may be cited as the Health Insurance Act 1994 (Risk Equalisation Scheme) (Amendment) Regulations 2022.

2. In these Regulations, “Principal Regulations” means the Health Insurance Act 1994 (Risk Equalisation Scheme) Regulations 2013 (S.I. No. 70 of 2013).

3. Regulation 2 of the Principal Regulations is amended —

(a) by inserting after the definition of “Act of 2012” the following definition:

“‘Act of 2021’ means the Health Insurance (Amendment) Act 2021 (No. 47 of 2021);”, and

(b) by substituting for the definitions of “claimed RES amount” and “interim RES claim” the following definitions:

“‘claimed RES amount’ means—

(a) in relation to a RES claim relating to a high cost claim credit, the amount that is subject to the RES claim over the prescribed period, and

(b) in relation to any other RES claim, the amount that is the subject of the RES claim excluding (a);

‘claiming quarter’ means a period of three months occurring every three months from the date on which a health insurance contract for an insured person commences for as long as the insured person maintains a period of continuous cover with the registered undertaking;

‘Fund’ and ‘high cost claim credit’ have the meanings assigned to them by section 6A(1) (as amended by section 2 of the Act of 2021) of the Principal Act;

‘interim RES claim’ means a claim referred to in section 11C(2) (inserted by section 5 of the Act of 2021) of the Principal Act made in respect of—

- (a) the period from 1 January 2013 to 30 March 2013
- (b) the period from 31 March 2013 to 30 April 2013, and
- (c) thereafter, any calendar month;

or, where the claim relates to a high cost claim credit, the previous calendar year quarter;

‘prescribed period’ means the current claiming quarter and preceding three claiming quarters relating to an insured person under a health insurance contract or contracts effected with the same registered undertaking and such period is prescribed as the 12 month period referred to in the definition of ‘high cost claim’ in section 6A of the Principal Act;”.

4. Regulation 4 of the Principal Regulations is amended—

- (a) in paragraph (3)—
 - (i) in subparagraph (b), by deleting “and”,
 - (ii) in subparagraph (c), by substituting “that month,” for “that month.”, and
 - (iii) by inserting after subparagraph (c) the following subparagraphs:
 - “(d) in respect of high cost claim credits for contracts commencing from 1 April 2022, made not earlier than 1 July 2022, and
 - (e) in respect of any subsequent periods for high cost claim credits, made not earlier than the first day of the month immediately following the calendar year quarter to which the claim relates and not later than the 21st day of that month.”, and
- (b) by inserting after paragraph (6) the following paragraph:

“(7) An interim claim made by an undertaking in respect of a high cost claim credit shall exclude all high cost claim credits previously received from the Fund in respect of the current claiming quarter and preceding three claiming quarters relating to an insured person under a health insurance contract.”.



GIVEN under my Official Seal,
30 March, 2022.

STEPHEN DONNELLY,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations amend the Health Insurance Act 1994 (Risk Equalisation Scheme) Regulations 2013.

The purpose of these Regulations is to provide for how health insurers can make applications for high cost claim credits to the Health Insurance Authority.

These Regulations may be cited as the Health Insurance Act 1994 (Risk Equalisation Scheme) (Amendment) Regulations 2022.

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