



Long-term care for older people

Entitlements for Older People Factsheet 5

The vast majority of older people are able to live in their own homes with some support from their families, neighbours and the health and community care services. A number of people find that they cannot continue to live at home and need to go into long-term care. The majority of your income support arrangements (pensions and other payments) do not change if you go into sheltered housing or long-term care.

Long-term institutional care for older people may be provided in publicly owned and financed institutions or in private or voluntary nursing homes. Private nursing homes may be commercial or can be run by voluntary or religious bodies. All nursing homes must be registered by the Health Information and Quality Authority (HIQA) and meet certain minimum legal standards. A list of approved nursing homes in your area is currently available from the HSE, www.hse.ie, or your Local Health Office. It is expected that they will shortly be available on the HIQA website, www.hiqa.ie.

Public long-term care

The Health Service Executive (HSE) owns and runs a number of long-term care institutions. They may be called welfare homes, continuing care units, geriatric hospitals, community nursing units or tertiary care units – here we call them public nursing homes. In theory, everyone is eligible for a place in a public nursing home but there are not enough places for everyone who needs them. Virtually everyone who gets a place in a public nursing home is liable for long-stay charges.

There are no set rules about who may get a public nursing home place. In general, this is what happens: if you want to avail of public nursing home care, your needs are assessed by the HSE. This assessment of need is concerned with such matters as your housing, your social situation, your family support and your health. If no public place is available, the HSE may provide a contracted bed in a private nursing home (see page 3).

Charges for public nursing home care

Long-stay maintenance charges are now payable by virtually all residents in long-stay care. There is no general exemption for medical card holders or for people with dependants. The HSE has the power to reduce or waive the charges if they would cause hardship. The long-stay charges apply when you have been receiving in-patient services for 30 days. They apply whether you are receiving those services in an acute hospital or in a long-stay institution.

People in public long-stay care are divided into two classes. People in Class 1 are those who are receiving in-patient services in premises where nursing care is provided on a 24-hour basis. The maximum weekly charge for this is €153.25 or your weekly income less €44.70, whichever amount is lower.

People in Class 2 are those who are receiving in-patient services in premises where nursing care is not provided on a 24-hour basis. The maximum weekly charge is €114.90, or your weekly income less €70.25, or 60% of your weekly income – whichever is lowest. Charges cannot be more than 80% of the maximum weekly rate of the State Pension (Non-Contributory). The HSE has the power to waive the charges if they would cause hardship. The 'Fair Deal' Scheme proposes to change this system (see page 3).

Contracted beds

If no public place is available, the HSE may provide a contracted bed in a private nursing home. Instead of paying the 'maximum' subvention, the HSE may make an enhanced payment or may pay the full cost of the bed.

There are no clear rules about who is entitled to a contracted bed or in what circumstances the HSE offers this arrangement. The availability and allocation of contracted beds vary throughout the country.

Private nursing homes and subventions

Private nursing homes charge fees. You may get a nursing home subvention from the HSE towards the cost of a registered private nursing home if you are in need of care and you pass a means test. You or another person who is paying the fees may qualify for tax relief on those fees. You must apply for a subvention before going into the nursing home, unless there is an emergency. The subvention is designed to help with nursing home costs. It is not designed to meet the full cost.

Fair Deal on nursing home care

It is expected that the nursing home subvention scheme will be replaced by a new system called *A Fair Deal on Nursing Home Care Support Scheme*. The Nursing Homes Support Scheme Act 2009 provides for the implementation of the scheme. The legislation has been passed and the Minister intends to implement the Scheme in the final quarter of 2009. You can apply for a subvention under the current system up until the new scheme is commenced. After that date the Fair Deal replaces the existing scheme and anyone getting a subvention can keep it or move to the Fair Deal. New applicants will be assessed only under the Fair Deal. The new scheme does not apply to people who are currently in public nursing homes. People currently in approved private nursing homes (with or without a subvention) are eligible for the new scheme and can switch to the Fair Deal or keep their existing arrangements.

Under the Fair Deal scheme, people who are assessed as needing long-term residential care will contribute 80% of assessable income and 5%

of the value of any assets in excess of the asset disregard. The asset disregard is the amount of assets excluded from the means assessment. It will be set at €36,000 for an individual or €72,000 for a couple. If the assets include land and property, the 5% contribution based on these can be deferred. This means it does not have to be paid during the person's lifetime and may be collected from their estate. For the person's principal residence (and, in certain situations, farms) the deferred contribution will be capped at 15%. This means that after three years of care residents are not liable for any further deferred contribution based on their main residence. The new scheme will apply to both public and private nursing homes but existing residents will not be liable for higher charges. Contact your Local Health Office for more information about applying or call the HSE infoline on 1850 24 1850.

Qualifying for a subvention

Currently a basic maximum rate of €300 per week applies. However, these maximum payments may be increased in the case of contracted beds and 'enhanced payments' may be made in other cases.

In order to qualify for a subvention you must be:

- » Sufficiently dependent to require maintenance in a nursing home and
- » Unable to pay any or part of the cost of maintenance in the home, that is, you must pass a means test

The HSE carries out an assessment of your level of dependency. This may involve interviewing you and your nearest relatives. Your medical condition is taken into account and the assessment also includes an evaluation of your ability to carry out the tasks of daily living and of the level of social support available to you.

The person carrying out the assessment compiles a report on your level of dependency. This report must make a recommendation on how your need for care should be met.

The report is then considered by an assessment team that is appointed by the HSE.

The means test

The means test takes into account the income of yourself and your spouse (or cohabiting partner). The income of a married or cohabiting person is taken to be half the total income of the couple. It may also take account of your assets (but not those of a spouse or partner). The first €11,000 of assets is disregarded.

Your total income for the purposes of the means test is your net income less one-fifth of the weekly rate of the State Pension (Non-Contributory) payable at the time. In effect, you must be allowed retain this amount for your personal needs. It is sometimes referred to as pocket money.

Your principal private residence is not taken into account if it is occupied immediately before the application and continues to be occupied by either your spouse, your child aged under 21 or in full-time education, or a relative who is getting a named disability payment or State Pension (Non-Contributory). If it is not occupied by one of these people it may be taken into account. If you sell your home, the total proceeds may be taken into account.

The income of your children cannot be taken into account in the means test.

Refusal of subvention

The HSE may refuse to pay any subvention if either:

- » Your principal residence is valued at €500,000 (for properties in the Dublin area) and €365,000 (for the rest of the country) and your income is greater than €10,400, or
- » The value of your assets (excluding your home) is greater than €36,000

Appeals

If you are unhappy with a decision on your application for a subvention, you may appeal against the assessment of means and/or the amount of the subvention within 28 days of receiving the decision. There is no appeal against the dependency assessment.

Standards for residential care settings for older people

From July 2009 the Office of the Chief Inspector of Social Services in the Health Information and Quality Authority (HIQA) is responsible for registration and inspection of all residential care settings for older people. This includes public and private nursing homes. Previously the HSE was responsible for the registration and inspection of private nursing homes. The new system marks the first time both public and private nursing homes are subject to the same standards and inspection regime.

HIQA has published new *National Standards for Residential Care Settings for Older People* and a user guide to these standards. These new standards apply to all residential settings (public, private and voluntary) where older people are cared for and for which registration is required. They deal with all aspects of living in care settings including residents' rights, management and staffing as well as the physical standards of the buildings. The new standards came into effect in July 2009.

Services must undergo inspection before registration and only those that meet the standards will be registered. Only registered services can provide residential care services to older people. All inspection reports are available on www.hiqa.ie shortly after the inspection.

The new standards are grouped into seven sections covering:

- » The rights of residents
- » Protection of residents
- » Health and social care needs
- » Quality of life
- » Staffing
- » The care environment
- » Management and governance

Extra criteria apply to residential care settings for people with dementia.

Each resident should have a care plan that is developed with them and sets out their individual preferences. This plan should change as needs change.

Tax relief on nursing home fees

A tax refund at the standard rate is available for money spent on certain medical expenses. Nursing home expenses can be claimed at the higher rate (currently 41%), if you are paying that rate, until January 2010. This is to allow for the implementation of the 'Fair Deal' Scheme. Registered private nursing homes are approved by the Revenue Commissioners and you can find a list of approved homes on www.revenue.ie.

Useful addresses

Department of Social and Family Affairs

Information Services
College Road, Co. Sligo
Lo-call: 1890 662 244 (for general information)
www.welfare.ie

Health Information and Quality Authority

Head Office
Webworks Building
Eglinton Street
Cork
Tel: (021) 425 0610
Email: info@hiqa.ie
www.hiqa.ie

Health Service Executive

Head Offices
Oak House
Limetree Avenue
Millennium Park
Naas, Co. Kildare
Tel: (045) 880 400

Parkgate Street Business Centre
Dublin 8
Tel: (01) 635 2500

HSE Information Line:
1850 24 1850
www.hse.ie

Revenue Commissioners

Border Midlands and West:
1890 777 425
Dublin: 1890 333 425
South West: 1890 222 425
East and South East: 1890 444 425
www.revenue.ie

The Citizens Information Board is the statutory body which supports the provision of information, advice and advocacy on the broad range of social and civil services to the public. It provides the Citizens Information website and supports the voluntary network of Citizens Information Services and the Citizens Information Phone Service.

Factsheets in this series

1 Income supports for older people

2 From work to retirement

3 Illness and caring

4 Housing for older people

5 Long-term care for older people

6 Bereavement

You can find more information on all the entitlements covered in this factsheet in the booklet *Entitlements for over sixties*, available from your local Citizens Information Centre or visit www.citizensinformation.ie.

Citizens Information 

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www.citizensinformation.ie

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