DEPARTMENT
OF HEALTH AND
CHILDREN
AN ROINN
SLÁINTE AGUS LEANAÍ

# Nursing Homes Support Scheme

## Information Booklet

Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

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## 1. Introduction

The Nursing Homes Support Scheme is a new scheme of financial support for people who need long-term nursing home care. It replaces the Subvention Scheme which has been in existence since 1993.

Under the Nursing Homes Support Scheme, you will make a contribution towards the cost of your care and the State will pay the balance. This applies whether the nursing home is public, private or voluntary.

The scheme has a number of steps and these are set out in the rest of this booklet.

Please note that if you are resident in a nursing home before the new scheme starts, you should read section 10 of this information booklet carefully.

## 2. Applying for the Scheme

In order to apply for the scheme you must be ordinarily resident in the State. Ordinarily resident means that you have been living in the State for at least a year or that you intend to live here for at least a year.

Applications are made to your local Nursing Home Support Office on the standard application form. There are three steps to the application process.

**Step 1** is an application for a Care Needs Assessment. The Care Needs Assessment identifies whether or not you need long-term nursing home care.

**Step 2** is an application for State Support. This will be used to complete the Financial Assessment which determines your contribution to your care and your corresponding level of financial assistance (“State Support”).

Steps 1 and 2 must be completed by all applicants (if you are resident in a nursing home before the scheme starts please see section 10 for further information).

**Step 3** is an optional step which should be completed if you wish to apply for the Nursing Home Loan (this is termed "Ancillary State Support" in the legislation). The loan is explained in section 5 of this booklet.

The application form should be completed and signed by the person applying for nursing home care. However, in certain cases, another person may apply on their behalf as explained below.

Where a person may need care, and because of ill-health, a physical disability or a mental condition, is unable to make an application for a care needs assessment, a specified person may apply for a care needs assessment on their behalf.

Where a person has reduced ability to make decisions (i.e. diminished mental capacity), the specified person may also make the application for State Support on their behalf.

A **specified person** is:

a) If you are a ward of court, your Committee,

b) A person appointed under a valid, registered enduring power of attorney who is not restricted from applying for the scheme,

c) A care representative appointed under the Nursing Homes Support Scheme Act (see section 6 of this booklet),

d) Your spouse or partner,

e) A relative of yours who is 18 years of age or over,

f) A next friend appointed by a court,

g) Your legal representative, or

h) A registered medical practitioner, nurse or social worker.

The people listed at (a)-(c) have first priority over those listed at (d)-(h). This means that they have the right to act as a specified person ahead of the other categories. However, the people listed at (a)-(c) may consent in writing to a person with lesser priority acting as the specified person.

Where a person has reduced ability to make decisions and wishes to apply for the Nursing Home Loan, only the people listed at (a)-(c) above may make the application (see section 6 of this booklet for further information).

## 3. Care Needs Assessment

The Care Needs Assessment identifies whether or not you need long-term nursing home care. Its purpose is to ensure that long-term nursing home care is necessary and is the right choice for you. The assessment will consider whether you can be supported to continue living at home or whether long-term nursing home care is more appropriate.

The Care Needs Assessment will be carried out by appropriate healthcare professionals, for example, a nurse etc., appointed by the HSE. An assessment may be completed at any time in a hospital or a community setting such as your own home. The assessment will include consideration of the following:

- your ability to carry out the activities of daily living, e.g. bathing, shopping, dressing and moving around,

- the medical, health and personal social services being provided to you or available to you both at the time of the carrying out of the assessment and generally,

- the family and community support available to you, and
- your wishes and preferences.

Please note that the assessment may include a physical examination by a healthcare professional.

The results of the Care Needs Assessment will be submitted to the HSE in the form of a report called a Common Summary Assessment Report or CSAR. Based on the report, the HSE must decide whether or not long-term nursing home care is the most appropriate option. Once a decision is made, you will be notified, in writing, within 10 working days. You will be given a copy of the Report and the reasons for the decision.

**You must be assessed as needing nursing home care in order to be eligible for either State Support or the Nursing Home Loan.**

## 4. Financial Assessment

The Financial Assessment looks at your income and assets in order to work out what your contribution to care will be. The HSE will then pay the balance of your cost of care. For example, if the cost of your care was €1,000 and your weekly contribution was €300, the HSE will pay the weekly balance of €700. **This payment by the HSE is called State Support.**

The Financial Assessment looks at all of your income and assets.

**Income and assets:**

**Income** includes any earnings, pension income, social welfare benefits/ allowances, rental income, income from holding an office or directorship, income from fees, commissions, dividends or interest, or any income which you have deprived yourself of in the 5 years leading up to your application.

Broadly speaking, **an asset** is any material property or wealth, including property or wealth outside of the State. Within the legislation, assets are divided into two distinct categories, namely Cash Assets and Non-Cash Assets. Cash assets include savings, stocks, shares and securities. Non-Cash assets include all forms of property other than cash assets, for example a person's principal residence or land. In both cases, the assessment will also look at assets which you have deprived yourself of in the 5 years leading up to your application.

Details of income and assets are contained in the application form for the scheme.

If you are a member of a couple, the assessment will be based on half of the couple's combined income and assets. For example, if a couple's income was €600 per week, the assessment of the person needing care would be based on 50% of €600, or €300. In other words, the person needing care would be considered to have a total income of €300 per week.

A **couple** is defined as (a) a married couple who are living together or (b) a heterosexual or same sex couple who are cohabiting as life partners for at least three years.

The assessment will not take into account the income of other relatives such as your children.

### Your Contribution to Care

Having looked at your income and assets, the Financial Assessment will work out your contribution to care. You will contribute **80% of your assessable income and 5% of the value of any assets per annum**. However, the first €36,000 of your assets, or €72,000 for a couple, will not be counted at all in the financial assessment.

Where your assets include land and property in the State, the 5% contribution based on such assets may be deferred and collected from your estate. This is an optional Nursing Home Loan element of the scheme which is legally referred to as "Ancillary State Support" (see section 5 below).

Your principal residence will only be included in the financial assessment for the first 3 years of your time in care. This is known as the 15% or 'three year' cap. It means that you will pay a 5% contribution based on your principal residence for a maximum of three years regardless of the time you spend in nursing home care. After 3 years, even if you are still getting long-term nursing home care, you will not pay any further contribution based on the principal residence. This 'three year' cap applies regardless of whether you choose to opt for the loan or not (see section 5).

The 'three year' cap will also extend to farms and businesses in circumstances where:

(i) the person has suffered a sudden illness or disability which causes them to need long-term nursing home care, and

(ii) the person or their partner was actively engaged in the daily management of the farm or business up until the time of the sudden illness or disability, and

(iii) a family successor certifies that he or she will continue the management of the farm or business.

This measure is intended to ensure the financial sustainability of family farms and businesses in cases where a person suffered a sudden illness and did not have an opportunity to put appropriate succession arrangements in place.

Finally, there are important safeguards built in to the Financial Assessment which are worth noting.

- Nobody will pay more than the actual cost of care.
- You will keep a personal allowance of 20% of your income or 20% of the maximum rate of the State Pension (non-Contributory), whichever is the greater.
- If you have a spouse/partner remaining at home, he/she will be left with 50% of the couple's income or the maximum rate of the State Pension (non-Contributory), whichever is the greater.

## 5. Nursing Home Loan ("Ancillary State Support")

As outlined above, where your assets include land and property in the State, the 5% contribution based on such assets may be deferred. This means that you do not have to find the money to pay this contribution during your lifetime. Instead, if approved, the HSE will pay the money to the nursing home on your behalf and it will be collected after your death.

This is an optional benefit of the scheme. It is effectively a loan advanced by the State which can be repaid at any time but will ultimately fall due for repayment upon your death. Its purpose is to ensure that you don't have to sell assets such as your house during your lifetime. The legal term for the Nursing Home Loan is "Ancillary State Support". You may choose to apply for this element of the scheme at the date of initial application or at any stage while resident in the nursing home.

In order to apply for the Nursing Home Loan you must provide written consent to having a Charging Order registered against your asset. If you are part of a couple, your spouse/partner must also request the payment of the loan and you must both consent to having the Charging Order registered against the interest of you and your spouse/partner in the asset. The Charging Order is a simple type of mortgage which secures the money loaned by the HSE. Subject to your consent, the HSE is responsible for making the Charging Order, registering it against your asset and making Nursing Home Loan payments to the nursing home on your behalf. You will not need to do anything (although the HSE may need to check with you about the information in your application).

If a person does not have the capacity to consent to the Nursing Home Loan and the Charging Order, a Care Representative will need to be appointed to act on his/her behalf. A person appointed under Enduring Power of Attorney or the Committee of a Ward of Court can also make an application in such circumstances (see section 6 below for full details).

You may wish to consider taking independent legal advice if applying for the Nursing Home Loan and you are free to do so.

The repayment of the Nursing Home Loan is dealt with in section 9 of this booklet.

# 6. Care Representative

## Role of a Care Representative

A Care Representative is only required where a person has reduced capacity to make certain decisions (i.e. **diminished mental capacity**) *and* wishes to apply for the Nursing Home Loan.

The Care Representative is appointed by the Circuit Court. Their role is to act on behalf of the person in respect of the Nursing Homes Support Scheme and especially in respect of the Nursing Home Loan. They can also act on behalf of the person in relation to making an application for a Care Needs Assessment, State Support, or any other matter relating to the scheme. The list of people who can apply to be a Care Representative is set out in the box below.

**Persons who can apply for Appointment as a Care Representative**

The following persons, in order of priority, may apply to be appointed as a Care Representative once they are 18 years of age or over:

1. Your spouse/partner,
2. Your parent,
3. Your child,
4. Your brother or sister (whether of the whole or half blood),
5. Your niece or nephew,
6. Your grandchild,
7. Your grandparent,
8. Your aunt or uncle,
9. A person who appears to the court to have a good and sufficient interest in your welfare, other than -
   - the owner of a nursing home in which you reside or are likely to reside, or
   - a medical practitioner who examined you and prepared a report for the Court in relation to your capacity.

A person is considered to be of diminished mental capacity if, in relation to a decision on applying for the Nursing Home Loan and consenting to the Charging Order, he or she is unable:

a) to understand the information relevant to the decision,

b) to retain that information,

c) to use or weigh that information as part of the process of making the decision, or

d) to communicate his or her decision (whether by talking, using sign language, communicating through a third party or any other means).

Two reports from two separate registered medical practitioners are required by the Court as evidence that a person is of diminished mental capacity. Your doctor may be able to assist you in obtaining these reports.

### Procedure for Appointment as a Care Representative

The application for appointment must be made to the County Registrar in any county in the Circuit in which the person requiring a care representative now lives or in which he or she has lived at any time during the past three years.

In order to make an application, the following documents must be lodged with the Circuit Court Office for the county in which the application is being made. These are as follows:

- A document called a **Notice of Motion** which must be addressed to the County Registrar

- A sworn statement called an **Affidavit** setting out the reasons for the application; the affidavit should be sworn before a Commissioner for Oaths or a practising solicitor

- The two **Medical Reports** mentioned above, which must be exhibited to (i.e. attached to) the affidavit *prior to* the swearing

- Any **Consents** in writing to the application received from persons with an equal or greater priority to be appointed as care representative (please see order of priority listed in the box on page 9), which must also be exhibited to (i.e. attached to) the affidavit *prior to* the swearing.

Templates of these documents are available on the Courts Service website (www.courts.ie).

Firstly, all the documents (the Notice of Motion, the Affidavit, the attached Medical Reports and Consents) should be lodged together in the Circuit Court Office and this can be done either in person or by post. The Notice of Motion and the Affidavit must be stamped in advance with the appropriate stamp duty. Information on stamp duty is available on the Courts Service website.

When the documents are received by the Circuit Court Office, the application shall be listed before the County Registrar.

Secondly, the person making the application must also serve a copy of the Notice of Motion, together with a copy of the Affidavit and the attached Medical Reports, on the person in respect of whom the application is being made as well as on every person with an equal or greater priority to apply for appointment to be the care representative. The documents must be served personally on the person in respect of whom the application is being made. In every other case they may be served personally or by registered post. Please note that you do not need to serve copies of the documents on every person with an equal or greater priority if the person has already consented in writing to the application.

Finally, the person making the application must also serve a document called a **Reply** on the person in respect of whom the application is being made. In the Reply, the person can indicate whether or not he or she objects to the appointment. The Reply should be sent to the County Registrar seven days before the date on which the matter is to be listed.

You do not need to obtain legal representation in order to be appointed as a Care Representative. However, anyone who wishes to seek legal advice/

representation is free to do so.

### Exemptions to Requirement for Appointment as a Care Representative

A Care Representative is not needed in order to apply for the Nursing Home Loan in any of the following cases:

- Where the applicant is of full mental capacity.
- Where the applicant is a Ward of Court (in such cases the Committee of the applicant may apply where he/she has been authorised to do so by the President of the High Court).
- Where a person is appointed under a valid, registered Enduring Power of Attorney to act on behalf of the applicant and is not restricted by the terms of the Power of Attorney from applying for the Nursing Home Loan.
- Where another person is already permitted by law to act on behalf of the applicant.

## 7. Next Steps

Once the Care Needs and Financial Assessments have been processed the HSE will write to you. Firstly, it will advise you of your contribution to care and whether you are eligible for State Support. Secondly, if you have applied for the Nursing Home Loan, it will also advise you about your eligibility for this. Thirdly, it will provide you with a list of nursing homes to choose from. The list will include public nursing homes, voluntary nursing homes and approved private nursing homes. Approved private nursing homes are homes which have agreed the price charged for care with the National Treatment Purchase Fund and are approved for the purposes of the scheme.

You can choose care in any nursing home on the list. However, in order for financial support to be provided:

- The home must have a place for you, and
- The home must be able to cater for your particular needs. The nursing home will have to carry out an assessment to determine whether it can meet your particular needs.

Your choice of nursing home is not connected in any way to the level of your contribution to care.

If you select a **public or voluntary nursing home**, you will pay your contribution to the HSE or voluntary home as appropriate each week and the HSE will pay the balance.

If you select an **approved private nursing home**, you will pay your contribution to the nursing home provider each week and the HSE will pay the balance.

The HSE is provided with a set level of funding for the scheme each year. While it is hoped that there would be sufficient funding to support everyone, there may be situations where a person's name must go onto a waiting list until funding becomes available. If this is the case the HSE will notify you when it writes to advise you whether you are eligible for financial support.

## 8. Reviews/Appeals

### Reviews

If the Care Needs Assessment determines that you do not require long-term nursing home care, you can apply for a review. This can be done six months after the previous assessment or earlier if a) the HSE is satisfied that there has been a material change in your health or circumstances or b) a registered medical practitioner states that there has been a material change in your health or circumstances since your last Care Needs Assessment.

If you are in receipt of State Support or the Nursing Home Loan, the HSE can review, either at your request or on its own initiative:

- your care needs,
- your financial assessment, or
- the amount of the Nursing Home Loan.

### Appeals

Certain decisions of the HSE may be appealed within 40 working days of the original decision being given to you.

Decisions which may be appealed include:

- the result of your care needs assessment,
- the HSE's decision not to consider an application for State Support,
- the HSE's decision not to carry out a financial assessment,
- the result of an application for State Support,
- the result of an application for the Nursing Home Loan,
- the result of a review.

Appeals will be considered by suitable people who are appointed by the HSE with the consent of the Minister. The outcome of an appeal may be further appealed to the High Court on a point of law. You may also take your case to the Office of the Ombudsman.

## 9. Repayment of the Nursing Home Loan

The purpose of the Nursing Home Loan is to ensure that you don't have to sell assets such as your home during your lifetime. If you opt for the Nursing Home Loan, it will become repayable:

- after your death,

- if you sell or transfer your property (if this occurs before your death),
- if you or your partner are deemed to be bankrupt, or
- if the HSE determines that it has been given false/misleading information relating to your application for the loan.

However, where the loan becomes repayable on your death, the repayment of monies *based on the principal residence only* can be further deferred or postponed in certain cases. This is called 'Further Deferral'.

**Further Deferral**

There are some people who may qualify for a further deferral of the repayment of the loan. **This means that the money provided under the Nursing Home Loan will not have to be repaid during their lifetime.** These are:

a) Your spouse or partner,

b) Your child (or your spouse/ partner's child) if they are under the age of 21 years or if their assets do not exceed the asset disregard

c) Your sibling if their assets do not exceed the asset disregard,

d) A relative in receipt of a disability or similar allowance, blind person's pension, or the State pension (non-contributory), or whose income doesn't exceed the State pension (contributory),

e) A relative who is in receipt of a foreign pension or allowance similar to those outlined in (d) above,

f) A relative who owns a building to which the principal residence is attached (e.g. 'a granny flat'), or

g) Any person who cared for an applicant prior to the latter entering the nursing home (this is defined by reference to relevant social welfare payments).

The individuals at (b)-(g) above are termed "connected persons" and they must also satisfy the following conditions:

- The asset in question must be their only residence, and
- They must have lived there for not less than 3 years preceding the original application for the Nursing Home Loan, and
- They must not have an interest in any other property.

The HSE should be contacted for more information in relation to further Deferral.

### Repayment of Loan to the Revenue Commissioners (Revenue)

When the Nursing Home Loan falls due for repayment, the HSE will write to the person responsible for the repayment (known as the "relevant accountable person"). It will notify them that the loan must now be repaid and advise them of the amount due. In doing this, the HSE will apply the Consumer Price Index to the loan to take account of the time value of money (i.e. inflation or deflation) since the loan was made.

The **relevant accountable person** is responsible for the repayment and may be a different person depending on the circumstances. For example, if you sell or transfer your property during your lifetime, you and your spouse/partner will be the relevant accountable persons. On the other hand, where the loan is repayable after your death, your personal representative will be the relevant accountable person. A person who inherits the property or any part of it can also be held accountable for repayment of the loan.

Money owed under the Nursing Home Loan must be repaid to **Revenue**. It should be repaid as soon as possible after notice is received from the HSE and, in any event, within the timeframes outlined in the blue box below.

Once payment is made within these time limits, interest will not have to be paid.

- If the repayment arises, for example, because of the death of the person in care it must be repaid within **12 months** of the date of death. Otherwise interest will apply from the date of death.
- If the loan is repayable because of the sale or transfer of your property during your lifetime, it must be repaid within **6 months** of the date of sale or transfer, or interest will apply back to that date.

Where payment has not already been received, the relevant accountable person will be advised by Revenue in advance of the 6 and 12 month payment deadlines of the need to pay on time so as to avoid paying interest.

## 10. Existing Nursing Home Residents

A commitment has been made that anyone who is in a nursing home before the Nursing Homes Support Scheme starts cannot be made worse off by the scheme.

- If you are in a **public or voluntary nursing home** or in a **contracted bed** in a private nursing home before the start of the scheme, you can continue with your existing arrangements.
- If you are in an **approved private nursing home** before the start of the scheme, you can choose to transfer to the Nursing Homes Support Scheme or you can retain your current **subvention** arrangements. If you apply for the scheme and have been in the nursing home for three years or more, the financial assessment will only be based on income and assets other than your principal residence (and your farm/business in certain circumstances), i.e. the 'three year' cap will apply.

- If you are in an **approved private nursing home** before the start of the scheme and have been **paying the cost of care yourself**, you may apply for the scheme or you can continue to fund the complete cost of care. If you apply for the scheme and have been in the nursing home for three years or more, the financial assessment will only be based on income and assets other than your principal residence (and your farm/ business in certain circumstances), i.e. the 'three year' cap will apply.

- If you are in a private nursing home which is not approved for the purpose of the scheme, you can retain your current subvention arrangements or you can opt to apply for the scheme and change to a nursing home on the list.

- Finally, if you are in an approved private nursing home before the start of the new scheme, you do not need to apply for a Care Needs Assessment. You can commence the process by applying for the Financial Assessment.

**For Further Information on the Scheme, please contact your local HSE Nursing Homes Support Office, details are provided on the following page. You can also call the HSE infoline 1850 24 1850 or visit www.dohc.ie or www.hse.ie.**

## 11. HSE Nursing Homes Support Offices

**Your Nursing Homes Support Office is available to help you fill in the form or answer questions about your application. When you have completed this form, send it to the Nursing Homes Support Office for your area:**

| | |
|---|---|
| Carlow/Kilkenny | HSE Nursing Homes Support Office, Community Services, James's Green, Kilkenny. Tel: 056 7784761 & 056 7784633 |
| Cavan/ Monaghan | HSE Nursing Homes Support Office, St. Felim's Hospital, Cavan. Tel: 049 436 0446/451/456 |
| Cork/Kerry | HSE Nursing Homes Support Office, Floor 5, 26 South Mall, Cork. Tel: 021 492 1842/43/44/45 |
| Donegal | HSE Nursing Homes Support Office, Navenny House, Navenny Street, Ballybofey. Tel: 074 9189172 |
| Dublin South, Wicklow and Kildare | HSE Nursing Homes Support Office, Oak House, Millennium Park, Naas, Co. Kildare. Tel: 045 880400 |
| Dublin North City and County | HSE Nursing Homes Support Office, Civic Office, Main Street, Ballymun, Dublin 9. Tel: 01 8467148 |
| Galway | HSE Nursing Homes Support Office, Community Services, West City Centre, Seamus Quirke Road, Galway. Tel: 091 548427/28/26 |
| Laois/Offaly | HSE Nursing Homes Support Office, Health Centre, Arden Road, Tullamore, Co. Offaly. Tel: 057 9359625 |
| Limerick, Clare and North Tipperary | HSE Nursing Homes Support Office, St. Joseph's Hospital, Mulgrave Street, Limerick. Tel: 061 461499 |

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|---|---|
| Longford/ Westmeath | HSE Nursing Homes Support Office, Health Centre, Longford Road, Mullingar, Co. Westmeath. Tel: 044 9394995 |
| Louth | HSE Nursing Homes Support Office, Community Care, Dublin Road, Dundalk. Tel: 042 9381344 |
| Mayo | HSE Nursing Homes Support Office, County Clinic, Castlebar. Tel: 094 9042261 |
| Meath | HSE Nursing Homes Support Office, An Tealach, Commons Road, Navan. Tel: 046 9066272 |
| Roscommon | HSE Nursing Homes Support Office, Community Services, Lanesboro Road, Roscommon. Tel: 0906 637561 |
| Sligo/Leitrim | HSE Nursing Homes Support Office, Markievicz House, Barrack St, Sligo. Tel: 071 9155193 |
| Tipperary South | HSE Nursing Homes Support Office, Community Care Centre, Western Road, Clonmel. Tel: 052 6177283 |
| Waterford | HSE Nursing Homes Support Office, Waterford Community Services, Cork Road, Waterford. Tel: 051 842963 |
| Wexford | HSE Nursing Homes Support Office, Wexford Community Services, Grogan's Road, Wexford. Tel: 053 9123522 |

You can read more about this scheme on www.hse.ie. Information is also available from the HSE infoline on 1850 24 1850, Monday to Saturday, 8am to 8pm

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