

Decision-making and Consent

– Supporting decision-making in the absence of a legal framework

HSE Patients' Private Property Accounts

HSE and HSE funded services may hold resident's money for safekeeping under the Health (Repayment Scheme) Act 2006. The legislation was enacted in June 2006 to provide a legal basis for the repayment of long-stay charges which had been imposed on persons with full eligibility since 1976.

Patients' Private Property Accounts: The 2006 act sets out how the HSE must operate patients' private property accounts. The Patient's Private Property Account is the money and personal property of a person in long term residential care, being cared for by or on behalf of the HSE due to a physical or mental disability or ill health.

The HSE has produced **Patients' Private Property (PPP) Guidelines** which set out the procedure to be followed by staff in the administration of patients' private property accounts. The HSE advises that "the guidelines set out the steps that must be taken to ensure that persons' interest are protected and provides clear guidance on the use of funds for the benefit of the person, particularly where a client may not have full capacity to manage, or to make decisions around the best use of, their funds."

The guide emphasises that if there is no reason to doubt the capacity of the person then the golden rule is to ask the person and get their permission before doing anything with their funds; the HSE's only role is to carry out any reasonable request of the person as effectively as possible.

Appropriate use of funds from the Patient's private account: In general it is not appropriate to use funds for the upkeep, refurbishment, maintenance or decoration of accommodation or for medicines, aids, furniture or equipment where any such costs are a matter for the HSE to fund, either by contract, by regulation or by government scheme e.g. medical card.

However, a person may from their own funds, add to what is provided, additional items or services which are over and above the norm of what the HSE provides. This may include for example items of bedroom furniture or enhanced aids or appliances from which the person would benefit. The HSE advises local discretion, purely based on the person's best interests, in relation to such decisions.

Patients' Private Property Account Central Unit: Under the 2006 act the HSE may invest money held in any patient's private property account unless otherwise directed in writing by the account holder, or by a next friend appointed by a court. According to the HSE website excess Patient Private Property funds are invested in a central investment fund. The funds are invested in Government Guaranteed Fixed Interest Deposit Accounts on behalf of clients. Any interest earned on investment belongs to the person and cannot be retained by the HSE. Interest earned is lodged to each account weekly and a charge (permitted by law) is deducted (20% of the interest earned). The Comptroller and Auditor General is entitled to audit these accounts annually.

There is provision in the act, and it is also HSE policy, that the direction of the Circuit court is sought in all cases where the HSE uses in excess of €5000 in client funds for the benefit of the person in a single calendar year. The initial decision to spend such funds is made after review of the person's care plan where it will have been decided by a multi-disciplinary team that the spending will benefit the person. This legal provision only

applies where the person does not have capacity to make that decision for themselves. HSE guidelines say that any concerns about the practical issues associated with making circuit court applications must be treated as a matter entirely separate to determining the extent to which the person would benefit from their funds being used.

Further Queries & Contacts: If you have queries on the HSE Patients' Private Property service offered, the HSE recommends that enquiries be made to the relevant HSE Care Centre or contact the PPPA Central Unit at HSE, Block 6, Central Business Park, Clonminch, Tullamore, Co Offaly. Tel: 057 931 8424 Email: pppacentralunit@hse.ie

Health (Repayment Scheme) Act 2006

<http://www.irishstatutebook.ie/eli/2006/act/17/enacted/en/html>

HSE Webpage - Patients' Private Property Accounts

<https://www.hse.ie/eng/services/list/4/olderpeople/pppaccounts/>

HSE – Patients' Private Property Guidelines

<https://www.hse.ie/eng/services/publications/corporate/patients%20private%20property%20guidelines.pdf>
