

**Summary of an Investigation Report**  
**on a complaint**  
**about the imposition and collection of charges**  
**for in-patient services by the HSE**  
**(Sacred Heart Hospital, Carlow)**

**The Report refers to a patient who was a medical card holder, who suffered from Alzheimer's Disease, and who was admitted to nursing home care without income in her own right.**

This Investigation Report is about the way the HSE imposed nursing home charges on an elderly woman who entered long-term nursing home care in 2001. It is also about how those charges were collected by the HSE, without it having the necessary statutory authority to do so, until her death in 2007.

The woman, who was a medical card holder, suffered from Alzheimer's disease. She had never worked outside the family home and did not have any income of her own. Her husband, who was receiving the Old Age Contributory Pension, was also receiving an increase in his pension, known as a Qualified Adult Allowance on behalf of his wife. Following his wife's admission to the Sacred Heart Hospital in Carlow, her husband was advised by the hospital to arrange to have a separate pension book provided for his wife, containing the Qualified Adult Allowance portion of his pension. This was to facilitate collection by the hospital of in-patient charges.

The Regulations which allow public nursing homes or hospitals to apply charges for in-patient services state that the charge is levied against the person receiving the service and is payable only if that person has an income. The HSE is precluded from applying charges if a person has no income. In this case, the hospital failed to advise the woman's husband that she was not liable for charges and incorrectly advised him to apply for a separate pension for his wife which it claimed was her income. The Ombudsman found this to be unfair and improperly discriminatory given that other couples, in similar circumstances who were correctly advised, did not have charges levied against them.

In addition, as the woman was not in a position to manage her own finances, the hospital took control of her pension book and cashed it at the local Post Office. However, it failed to comply with the legal requirements governing social welfare agency arrangements and

never applied to the Minister for Social and Family Affairs for approval to cash the pension book on the woman's behalf.

The HSE accepted the findings in the Ombudsman's Report and refunded the charges to the complainant. It also accepted the Ombudsman's recommendation to pay a compensation payment of €1,000 to the complainant in recognition of the costs he incurred in pursuit of his complaint.

**Emily O'Reilly**  
**Ombudsman**  
**April 2010**