

**DRAFT HOSPITAL CHARGES (LONG-STAY PATIENTS)
(JERSEY) LAW 199**

**Lodged au Greffe on 2nd June 1998
by the Health and Social Services Committee**



STATES OF JERSEY

STATES GREFFE

REPORT

In 1995 the States approved, in principle, a Proposition (P.60/95) of the then Public Health Committee to reintroduce a charge for long-stay patients over the age of 65 years residing at St. Saviour's Hospital, and charged the Committee to prepare the necessary legislation.

The proposal was brought forward on the grounds that -

- an inequity existed in regard to patients at St. Saviour's Hospital, who were not charged for their accommodation and subsistence, while patients at Overdale, The Limes and (at that time) Maison le Pape were charged;
- the nature of a person's illness (or frailty) should not determine whether or not a charge is made;
- the majority of older people in hospital today are in receipt of pensions or other benefits intended to provide for their accommodation and subsistence;
- a significant potential income to the States was being lost whilst the States continued to fund the care of many who could afford to contribute to their accommodation and subsistence costs.

The proposed charges would be applied only to those over the age of 65 years, after a clinical decision had been taken that the person needed to remain in continuing care. The level of charge would be the same as that for other elderly long-stay patients, for example at Overdale. Those who were deemed unable to meet the charge would require Parish support or financial assistance through the States non-native welfare fund as outlined in P.60/95.

The legislation was afforded law drafting time early in 1998, and the Health and Social Services Committee now asks the States to consider this draft Hospital Charges (Long-stay Patients) (Jersey) Law 199 .

Outline of the legislation

Article 1 of the draft Law includes a definition of the type of services and facilities for which charges might be raised and also defines a “long-stay patient” as a patient who, in the opinion of the responsible medical practitioner, is unlikely to leave hospital.

Article 2 provides for the Health and Social Services Committee to prescribe by Order the charges that may be raised for long-stay hospital patients over the age of 65 years. The Law extends to patients in all hospitals or similar institutions, including St. Saviour’s Hospital and Overdale, so that a consistent policy is applied equitably to patients in similar circumstances. The Article also provides for the remission or deferment of charges if considered appropriate or, for example, the exemption of people who are compulsorily detained under the Mental Health Law.

Article 3 allows for the recovery of charges as a civil debt and **Article 4** specifies the title of the legislation.

Explanatory Note

This Law provides for the Health and Social Services Committee by Order to charge for accommodation, meals and other non-clinical benefits supplied to long-stay hospital patients over the age of 65 years (*Article 2(1)*).

Article 1 contains the definitions and *Article 2(2)* and (3) allow the Order to provide for remission and deferment of charges in prescribed circumstances, for different provision to be made in different cases or circumstances and for any necessary transitional, consequential, incidental or supplementary provisions.

Article 3 allows for the recovery of charges as a civil debt and *Article 4* contains the short title.

HOSPITAL CHARGES (LONG-STAY PATIENTS) (JERSEY)
LAW 199

A LAW to provide for the making and recovery of certain charges in respect of patients over the age of 65 receiving long-term hospital care, and for connected purposes sanctioned by Order of Her Majesty in Council of the

(Registered on the day of 199)

STATES OF JERSEY

The day of 199

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law -

ARTICLE 1

(1) In this Law, unless the context otherwise requires -

“accommodation services” means accommodation, meals, and other facilities provided to patients in connection with their stay in hospital, but does not mean clinical services;

“clinical services” includes medical, surgical, pharmaceutical and nursing services, the supply of drugs and medicines and any other services for the diagnosis or treatment of illness;

“the Committee” means the Health and Social Services Committee;

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“hospital” means any institution for the reception and treatment of persons -

- (a) suffering from any illness (including any mental disorder within the meaning of the Mental Health (Jersey) Law 1969¹), injury or disability; or
- (b) requiring convalescence or medical rehabilitation;

“long-stay patient” means a patient who, in the opinion of the registered medical practitioner responsible for his treatment, is unlikely to leave hospital;

“prescribed” means prescribed by Order made by the Committee;

“registered medical practitioner” has the same meaning as in paragraph (1) of Article 1 of the Medical Practitioners (Jersey) Law 1960.²

(2) Unless the context otherwise requires, where this Law refers to an enactment, the reference is to that enactment as amended, and includes a reference to that enactment as extended or applied by or under any other enactment.

ARTICLE 2

(1) The Committee may by Order provide for the making and recovery by the Committee, in such manner and in such circumstances as may be prescribed, of such charges as may be prescribed in respect of any accommodation services provided to long-stay hospital patients over the age of 65.

(2) Without prejudice to the generality of paragraph (1) of this Article, such an Order may provide for the remission or deferment

¹ Volume 1968-1969, page 345.

² Tome VIII, page 829.

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of the whole or part of any charges otherwise recoverable under this Law in such circumstances as may be prescribed.

(3) An Order under this Article may -

- (a) make different provision in relation to different cases or circumstances;
- (b) contain such transitional, consequential, incidental or supplementary provisions as appear to the Committee to be necessary or expedient for the purposes of the Order.

(4) The Subordinate Legislation (Jersey) Law 1960³ shall apply to Orders made under this Law.

ARTICLE 3

Without prejudice to any other method of recovery, the Committee may recover any charges recoverable under this Law as a civil debt.

ARTICLE 4

This Law may be cited as the Hospital Charges (Long-Stay Patients) (Jersey) Law 199 .

³ Tome VIII, page 849.