



**Northern Ireland
Assembly**

COMMITTEE FOR HEALTH

MINUTES OF PROCEEDINGS

**Thursday 23 January 2020
Senate Chamber, Parliament Buildings**

Present: Mr Colm Gildernew MLA (Chairperson)
Ms Pam Cameron MLA (Deputy Chairperson)
Ms Sinéad Bradley MLA
Ms Paula Bradshaw MLA
Mr Gerry Carroll MLA
Ms Jemma Dolan MLA
Mr Alex Easton MLA
Ms Órlaithí Flynn MLA
Mr John Stewart MLA

Apologies: None.

In Attendance: Ms Éilis Haughey (Clerk)
Ms Deirdre Farry (Assistant Assembly Clerk)
Ms Roisin Donnelly (Assistant Assembly Clerk)
Mr Jonathan Lamont (Clerical Supervisor)
Mr Brendan Miskelly (Clerical Officer)

The meeting commenced at 10.36 am in closed session.

1. Committee Procedures

The Chairperson welcomed Members to the first meeting of the Committee for Health and advised Members about the weekly meeting arrangements, provision of committee papers, use of social media for Committee business and staff contact details.

Agreed: The Committee agreed that meetings should, as a rule, be held in public session unless there is an overriding reason for proceedings to be closed.

The Committee discussed the working arrangements and protocols it wished to adopt during this mandate.

Agreed: The Committee agreed its approach to managing correspondence and meeting requests.

Agreed: The Committee agreed to forward information requests and whistleblowing correspondence to the appropriate bodies and for the Clerk to seek advice on tracking the progress made on any correspondence forwarded in this way.

Agreed: The Committee agreed its approach to information requests to the Department of Health.

Mr Alex Easton joined the meeting at 11.27 pm.

Agreed: The Committee agreed its approach to preparation and questioning.

Agreed: The Committee agreed that departmental press releases be forwarded to Members by email.

Agreed: The Committee agreed it was content with the protocol on conduct and courtesy at Committee meetings.

The Committee noted guidance on the handling of subordinate legislation.

The meeting was suspended at 12.10 pm.

The meeting resumed at 12.26 pm in public session.

2. Apologies

None.

3. Chairperson's Business

- i. The Chairperson welcomed and introduced the Department of Health's Assembly Liaison Officer who will attend the weekly meetings in the public gallery.
- ii. The Chairperson updated Members on a meeting that he and the Deputy Chairperson held with Mr Nigel Hamilton in relation to the Infected Blood Inquiry.
- iii. The Chairperson advised Members that he and the Deputy Chairperson plan to meet the Minister of Health directly after today's Committee meeting.

4. Committee Membership

The Committee noted the membership of the Committee for Health.

5. Declaration of Interests

The Chairperson reminded members of their requirement to register their interests under Standing Order 69(5).

The Chairperson declared an interest as formerly being employed as a Social Worker and currently taking a career break, being a member of NIPSA and having a relative who works as a registered nurse.

Ms Paula Bradshaw declared an interest in relation to her appointment as Assembly Private Secretary to the Minister for Justice.

Mr Gerry Carroll declared an interest as a member of UNITE and having a relative who is employed as a dentist.

Mr Alex Easton declared an interest as a former employee of the South Eastern Trust.

Ms Sinéad Bradley declared an interest as having a relative who works in the Health and Social Care system and a relative who is connected to the Neurology Recall.

Mr John Stewart declared an interest in relation to his imminent appointment as Assembly Private Secretary to the Minister for Health and having a relative who is employed as a social worker in the NHS.

6. Committee Protocols

Members noted guidance papers on:

- Powers and Operations of Statutory Committees
- Role of Committee Chairpersons
- Role and Functions of the Committee Office
- Timescales for Interaction between Committees and Departments

7. Subordinate Legislation - delegation of technical scrutiny to the Examiner of Statutory Rules

The Committee considered Guidance on Handling Subordinate Legislation.

Agreed: That the Committee for Health, under Standing Order 43, resolves to delegate to the Examiner of Statutory Rules the technical scrutiny of statutory rules referred to the Committee under the above-mentioned Standing Order.

The Committee further resolves that, in carrying out this function, the Examiner shall be authorised to report her technical findings on each statutory rule to the Assembly, and to the relevant Department, as well as to the Committee itself, and to publish her report.

The Committee agreed to move to Agenda Item 31.

8. First Day Brief

The Committee noted a first day briefing paper provided by the Department of Health setting out background information on the remit, structure and functions of the Department and related health and social care bodies.

9. Committee for Health Legacy Report

The Committee noted a report outlining the work of the Health Committee during the 2011-2016 mandate.

10. Forward Work Programme

The Committee discussed its forward work programme and noted the scheduled briefings.

11. Correspondence

- i. The Committee noted a copy of the urgent oral statement made by the Minister of Health in the Assembly on 14 January 2020 on the ‘Resolution of HSC Agenda for Change Staff Dispute.’
- ii. The Committee considered correspondence from the Commissioner for Children and Young People requesting to brief the Committee on the findings of the Commission’s report on mental health services for children and young people.

Agreed: The Committee agreed to invite the Commissioner to brief the Committee at the meeting on 6 February 2020.

- iii. The Committee considered correspondence from an individual regarding the Mother and Baby Magdalen Institutions.

Agreed: The Committee agreed to consider this issue as part of its Forward Work Programme.

- iv. The Committee considered correspondence from the Royal College of Nursing requesting to brief the Committee on key nursing issues.

Agreed: The Committee agreed to consider this request as part of its Forward Work Programme.

- v. The Committee noted correspondence from the Attorney General for Northern Ireland congratulating the Chairperson and Deputy Chairperson on their appointment to the Health Committee.

- vi. The Committee considered correspondence from an individual regarding the commitment by the RQIA to carry out a review of the work of the neurologist, Michael Watt.

Agreed: The Committee agreed to write to the Department of Health to seek an update on the ongoing reviews into this matter.

Agreed: The Committee agreed that the Clerk seek advice on the Committee’s options relating to updates and information on this matter.

- vii. The Committee noted that the Chairperson intended to accept an invitation he had received from the Huntington’s Disease Association NI to attend an information session on Huntington’s disease on 26 March 2020.

- viii. The Committee noted that the Chairperson intended to accept an invitation he had received from Parenting NI to speak at the launch of the findings of its ‘Big Parenting Survey’ on 19 February 2020.
- ix. The Committee considered correspondence from the British Dental Association highlighting the issues facing dentistry.
Agreed: The Committee agreed to consider this as part of its Forward Work Programme.
- x. The Committee considered correspondence from the Professional Standards Authority highlighting the publication of its latest report.
Agreed: The Committee agreed to revisit this report when the Committee considers the regulatory system in the health service at a future meeting.
- xi. The Committee noted that the Chairperson intended to accept an invitation he had received from Marie Curie and Queens University to speak at a consultation event on end of life care, on 27 March 2020.
- xii. The Committee noted that the Chairperson intended to accept an invitation from the Stroke Association to attend the ‘Rebuilding Lives after Stroke’ event on 7 February 2020.
- xiii. The Committee noted correspondence from Health Innovation Research Alliance NI providing information about the NI Advanced Therapy Medicinal Product Conference in May 2020.
- xiv. The Committee considered correspondence from a journalist from the Impartial Reporter Newspaper regarding historic sexual abuse cases in Fermanagh.
Agreed: The Committee agreed to consider this issue as part of its Forward Work Programme.

The Committee agreed to move to Agenda Item 22.

12. SR 2018/195 The Recovery of Health Services Charges (Amounts) (Amendment) Regulations (Northern Ireland) 2018

The Committee considered SR 2018/195 The Recovery of Health Services Charges (Amounts) (Amendment) Regulations (Northern Ireland) 2018 which increases the charges recovered from persons who pay compensation in cases where an injured person received health service hospital treatment or ambulance services from 19 December 2018.

Agreed: The Committee considered SR 2018/195 The Recovery of Health Services Charges (Amounts) (Amendment) Regulations (Northern Ireland) 2018, and, subject to the Examiner of Statutory Rules’ report, had no objection to the Rule.

13. SR 2018/211 The Optical Charges and Payments (Amendment) Regulations (Northern Ireland) 2018

The Committee considered SR 2018/211 The Optical Charges and Payments (Amendment) Regulations (Northern Ireland) 2018 which increase by 1%, the value of

optical vouchers issued to certain patients, depending on their financial circumstances, to help towards the cost of glasses or contact lenses under the Health Service.

Agreed: The Committee considered SR 2018/211 The Optical Charges and Payments (Amendment) Regulations (Northern Ireland) 2018, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

14. SR 2019/29 The Recovery of Health Services Charges (Amounts) (Amendment) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/29 The Recovery of Health Services Charges (Amounts) (Amendment) Regulations (Northern Ireland) 2019 which increases the charges recovered from persons who pay compensation in cases where an injured person received health service hospital treatment or ambulance services from 1 April 2019.

Agreed: The Committee considered SR 2019/29 The Recovery of Health Services Charges (Amounts) (Amendment) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

The meeting was suspended at 12.54 pm.

The meeting resumed at 1.33 pm in public session.

The Committee agreed to move to Agenda Item 6.

15. Subordinate Legislation

Mr Tomas Adell, Mental Health and Capacity Unit, Department of Health joined the meeting at 1.35 pm.

Mr Adell briefed the Committee on the Mental Capacity Regulations being considered at the meeting.

The briefing was followed by a question and answer session.

The briefing session was reported by Hansard.

The Committee noted SR 2019/163 The Mental Capacity (2016 Act) (Commencement No. 1) Order (Northern Ireland) 2019 which provided for substantial provisions of the Mental Capacity Act 2016 to come into effect from 1 October 2019.

The Committee noted SR 2019/190 The Mental Capacity (2016 Act) (Commencement No. 1) (Amendment) Order (Northern Ireland) 2019 which deferred the commencement of certain provisions from 1 October until 2 December 2019.

16. SR 2019/164 The Mental Capacity (Deprivation of Liberty) Regulations (Northern Ireland) 2019

The Committee noted SR 2019/164 The Mental Capacity (Deprivation of Liberty) Regulations (Northern Ireland) 2019 which were the principal regulations providing for the procedure around deprivation of liberty including suitably qualified persons to make capacity assessments, and the required forms, and which have subsequently been revoked.

17. SR 2019/182 The Mental Capacity (Deprivation of Liberty) (Amendment) Regulations (Northern Ireland) 2019

The Committee noted SR 2019/182 The Mental Capacity (Deprivation of Liberty) (Amendment) Regulations (Northern Ireland) 2019 which added an additional form to the principal regulations and which have subsequently been revoked.

18. SR 2019/192 The Mental Capacity (Deprivation of Liberty) (Revocation) Regulations (Northern Ireland) 2019

The Committee noted SR 2019/192 The Mental Capacity (Deprivation of Liberty) (Revocation) Regulations (Northern Ireland) 2019 which revoked the Mental Capacity (Deprivation of Liberty) Regulations (Northern Ireland) 2019 and the Mental Capacity (Deprivation of Liberty) (Amendment) Regulations (Northern Ireland) 2019.

19. SR 2019/199 The Mental Capacity (Deprivation of Liberty) (No. 2) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/199 The Mental Capacity (Deprivation of Liberty) (No.2) Regulations (Northern Ireland) 2019 which are the revised principal regulations providing for the procedure around deprivation of liberty including suitably qualified persons to make capacity assessments, and the required forms.

Agreed: The Committee considered SR 2019/199 The Mental Capacity (Deprivation of Liberty) (No. 2) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

20. SR 2019/232 The Mental Capacity (Deprivation of Liberty) (No. 2) (Amendment) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/232 The Mental Capacity (Deprivation of Liberty) (No.2) (Amendment) Regulations (Northern Ireland) 2019 which amend the revised principal regulations, to substitute Form 6, which relates to medical reports.

Agreed: The Committee considered SR 2019/232 The Mental Capacity (Deprivation of Liberty) (No. 2) (Amendment) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

21. SR 2019/193 The Mental Capacity (Research) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/193 The Mental Capacity (Research) Regulations (Northern Ireland) 2019 which define the ‘appropriate body for the purposes of research’ as a body appointed by the HSC Trust or a university.

Agreed: The Committee considered SR 2019/193 The Mental Capacity (Research) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules’ report, had no objection to the Rule.

22. SR 2019/200 The Mental Capacity (Money and Valuables) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/200 The Mental Capacity (Money and Valuables) Regulations (Northern Ireland) 2019 which extend to any managing authority, the power Trusts have to hold and manage money and valuables on behalf of residents and patients lacking capacity. The Regulations also make provision as to issues to be considered and formalities to be observed.

Agreed: The Committee considered SR 2019/200 The Mental Capacity (Money and Valuables) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules’ report, had no objection to the Rule.

23. SR 2018/3 The Misuse of Drugs (Designation) (Amendment) Order (Northern Ireland) 2018

Mr Canice Ward, Medicines Regulatory Group, Department of Health joined the meeting at 2.35 pm.

Mr Ward briefed the Committee on the seven statutory rules relating to Misuse of Drugs which were being considered at the meeting.

The briefing was followed by a question and answer session.

Mr Ward agreed to provide the Committee with further detail on the consultation relating to SR 2018/3 The Misuse of Drugs (Designation) (Amendment) Order (Northern Ireland) 2018 and SR SR 2018/4 The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2018.

The briefing session was reported by Hansard.

The Committee considered SR 2018/3 The Misuse of Drugs (Designation) (Amendment) Order (Northern Ireland) 2018 which adds a number of substances to Schedule 1 of the Misuse of Drugs (Designation) Order 2001 Regulations, as they have no recognised medicinal use beyond potential research which may be enabled under a licence.

Agreed: The Committee considered SR 2018/3 The Misuse of Drugs (Designation) (Amendment) Order (Northern Ireland) 2018, and,

subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

24. SR 2018/4 The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2018

The Committee considered SR 2018/4 The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2018 which adds a number of substances to Schedule 1 of the Misuse of Drugs Regulations 2002.

Agreed: The Committee considered SR 2018/4 The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2018, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

25. SR 2018/173 The Misuse of Drugs (Amendment No.2) Regulations (Northern Ireland) 2018

The Committee considered SR 2018/173 The Misuse of Drugs (Amendment No.2) Regulations (Northern Ireland) 2018 which provide greater access to cannabis-based products for medicinal use in humans.

Agreed: The Committee considered SR 2018/173 The Misuse of Drugs (Amendment No.2) Regulations (Northern Ireland) 2018, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

26. SR 2018/174 The Misuse of Drugs (Designation) (Amendment No.2) Order (Northern Ireland) 2018

The Committee considered SR 2018/174 The Misuse of Drugs (Designation) (Amendment No.2) Order (Northern Ireland) 2018 which provide greater access to cannabis-based products for medicinal use in humans.

Agreed: The Committee considered SR 2018/174 The Misuse of Drugs (Designation) (Amendment No.2) Order (Northern Ireland) 2018, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

27. SR 2019/21 The Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/21 The Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations (Northern Ireland) 2019 which adds pregabalin and gabapentin to Schedule 3 of the 2002 Regulations controlling use etc., but exempts them from the provisions of the safe custody legislation.

Agreed: The Committee considered SR 2019/21 The Misuse of Drugs and Misuse of Drugs (Safe Custody) (Amendment) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

28. SR 2019/207 The Misuse of Drugs (Designation) (Amendment) Order (Northern Ireland) 2019

The Committee considered SR 2019/207 The Misuse of Drugs (Designation) (Amendment) Order (Northern Ireland) 2019 which amends Part 1 of Schedule 1 to the Misuse of Drugs (Designation) Order (Northern Ireland) 2001, by reducing the range of compounds captured by one of the definitions of synthetic cannabinoids in Schedule 1 to that Order (which specifies the list of controlled drugs to which section 7(4) of the Misuse of Drugs 1971 Act applies).

Agreed: The Committee considered SR 2019/207 The Misuse of Drugs (Designation) (Amendment) Order (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

29. SR 2019/208 The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/208 The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2019 which make a number of amendments to the 2002 Regulations to ensure parity with their GB equivalent Regulations.

Agreed: The Committee considered SR 2019/208 The Misuse of Drugs (Amendment) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

Mr Gerry Carroll left the meeting at 2.57 pm.

30. SR 2019/42 The Provision of Health Services to Persons Not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2019

Ms Patricia Quinn-Duffy, Department of Health joined the meeting at 2.58 pm.

Ms Quinn-Duffy briefed the Committee on SR 2019/42 The Provision of Health Services to Persons Not Ordinarily Resident (Amendment) Regulations (Northern Ireland) 2019 which deal with provision of health services on and after EU Exit day.

The briefing was followed by a question and answer session.

The briefing session was reported by Hansard.

Agreed: The Committee agreed to defer consideration of the Statutory Rule to next week's meeting.

Agreed: The Committee agreed to request a paper from the Department of Health outlining its 'No-Deal Brexit' arrangements to provide background information to support its consideration of this Rule.

31. SR 2019/109 The Firefighters’ Pension Scheme (Amendment and Transitional Provisions) Order (Northern Ireland) 2019

The Committee considered SR 2019/109 The Firefighters’ Pension Scheme (Amendment and Transitional Provisions) Order (Northern Ireland) 2019 which aligns Firefighters’ pension provisions with changes to Firefighters’ pension provisions in England to address potential age discrimination.

Agreed: The Committee considered SR 2019/109 The Firefighters’ Pension Scheme (Amendment and Transitional Provisions) Order (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules’ report, had no objection to the Rule.

32. SR 2017/188 The Pharmaceutical Society of Northern Ireland (General) (Amendment) Regulations (Northern Ireland) 2017

The Committee considered SR 2017/188 The Pharmaceutical Society of Northern Ireland (General) (Amendment) Regulations (Northern Ireland) 2017 which enables the Register of Pharmaceutical Chemists to be annotated to indicate that a pharmacist is an independent prescriber and clarifies the role of ‘Pharmacist Supplementary Prescribers.

Agreed: The Committee considered SR 2017/188 The Pharmaceutical Society of Northern Ireland (General) (Amendment) Regulations (Northern Ireland) 2017, and, subject to the Examiner of Statutory Rules’ report, had no objection to the Rule.

33. SR 2019/186 The Pharmaceutical Services (Amendments Relating to Serious Shortage Protocols) Regulations (Northern Ireland) 2019

The Committee considered SR 2019/186 The Pharmaceutical Services (Amendments Relating to Serious Shortage Protocols) Regulations (Northern Ireland) 2019 which provide for ‘serious shortage protocols’ to allow the Department to put in place alternative arrangements for the supply of medications and appliances where a serious shortage arises.

Agreed: The Committee considered SR 2019/186 The Pharmaceutical Services (Amendments Relating to Serious Shortage Protocols) Regulations (Northern Ireland) 2019, and, subject to the Examiner of Statutory Rules’ report, had no objection to the Rule.

34. SR 2018/17 The Ionising Radiation (Medical Exposure) Regulations (Northern Ireland) 2018

The Committee considered The Ionising Radiation (Medical Exposure) Regulations (Northern Ireland) 2018 which transposes medical exposure aspects of European Council Directive 2013/59/EURATOM, updating, consolidating and enhancing standards to protect those undergoing radiation therapy, x-ray or other screening.

Agreed: The Committee considered SR 2018/17 The Ionising Radiation (Medical Exposure) Regulations (Northern Ireland) 2018, and, subject to the Examiner of Statutory Rules’ report, had no objection to the Rule.

35. SR 2018/123 The Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations (Northern Ireland) 2018

The Committee considered SR 2018/123 The Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations (Northern Ireland) 2018 which amends legislation governing the procedures of the Northern Ireland Social Care Council, to include its committees and sub-committees.

Agreed: The Committee considered SR 2018/123 The Northern Ireland Social Care Council (Appointments and Procedure) (Amendment) Regulations (Northern Ireland) 2018, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

36. SR 2017/207 The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017

The Committee considered SR 2017/207 The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017 which adds to the list of specified settings in respect of which compulsory registration of social care workers applies. These include domiciliary care, day-care centres and residential family centres. The regulations also exempt volunteers from the requirement to register in specified settings.

Agreed: The Committee considered SR 2017/207 The Northern Ireland Social Care Council (Social Care Workers Prohibition) and Fitness of Workers (Amendment) Regulations (Northern Ireland) 2017, and, subject to the Examiner of Statutory Rules' report, had no objection to the Rule.

37. Any Other Business

None.

38. Date, Time and Place of Next Meeting

The next Committee meeting will be on Thursday 30 January 2020, at 10.30 am in the Senate Chamber, Parliament Buildings.

The Chairperson adjourned the meeting at 3.21 pm.

Signed: _____
Chairperson

Date: _____