



STATUTORY INSTRUMENTS.

S.I. No. 415 of 2013



HEALTH ACT 2007 (CARE AND WELFARE OF RESIDENTS IN
DESIGNATED CENTRES FOR OLDER PEOPLE) REGULATIONS 2013

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I, JAMES REILLY, Minister for Health, in exercise of the powers conferred on me by section 101 of the Health Act 2007 (No. 23 of 2007) (as adapted by the Health and Children (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 219 of 2011)), hereby make the following regulations:

PART 1

PRELIMINARY

Citation and commencement

1. (1) These Regulations may be cited as the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013.

(2) These Regulations come into operation on 1 July 2014.

Definitions

2. In these Regulations:

“abuse” means mistreatment of any kind and includes the physical, financial or material, psychological, sexual or discriminatory mistreatment or neglect of a resident;

“Act” means the Health Act 2007 (No. 23 of 2007);

“Authority” means the Health Information and Quality Authority;

“Chief Inspector” means the person who is appointed Chief Inspector of Social Services in accordance with section 40 of the Act;

“designated centre” means a designated centre for older people to which paragraph (a)(iii) or paragraph (b) of the definition of “designated centre” in section 2 of the Act applies;

“individual care plan” means a plan developed in accordance with Regulation 5;

“family” means a member of a resident’s family and includes a carer of a resident or a person involved in promoting the health, welfare or wellbeing of a resident;

“inspector” means a person appointed as an Inspector of Social Services under section 43 of the Act;

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 5th November, 2013.

“personal property” means the belongings and personal effects that a resident brings into a designated centre and includes items purchased by or on behalf of a resident during his or her stay in a designated centre and items and monies received by the resident during his or her stay in a designated centre;

“record” means any record required to be kept or retained in accordance with Regulation 21;

“registered nurse” means a registered nurse within the meaning of section 2 of the Nurses and Midwives Act 2011 (No.41 of 2011);

“resident” means a person living, and provided with services, in a designated centre;

“resident’s guide” means the written guide produced in accordance with Regulation 20 of these regulations;

“restraint” means the intentional restriction of a person’s voluntary movement or behaviour;

“staff” means persons employed by the registered provider to work at a designated centre and includes persons placed in employment with the registered provider concerned by an employment agency used by that registered provider but does not include persons who provide professional services to the designated centre and to whom the registered provider pays fees for such services or a volunteer;

“statement of purpose” means the written statement compiled in accordance with Regulation 3;

“standards” means standards set by the Authority under section 8 of the Act and approved by the Minister under section 10 of the Act.

PART 2

DESIGNATED CENTRES

Statement of Purpose

3. (1) The registered provider shall prepare in writing a statement of purpose relating to the designated centre concerned and containing the information set out in Schedule 1.

(2) The registered provider shall review and revise the statement of purpose at intervals of not less than one year.

Written policies and procedures

4. (1) The registered provider shall prepare in writing, adopt and implement policies and procedures on the matters set out in Schedule 5.

(2) The registered provider shall make the written policies and procedures referred to in paragraph (1) available to staff.

(3) The registered provider shall review the policies and procedures referred to in paragraph (1) as often as the Chief Inspector may require but in any event at intervals not exceeding 3 years and, where necessary, review and update them in accordance with best practice.

Individual assessment and care plan

5. (1) The registered provider shall, in so far as is reasonably practical, arrange to meet the needs of each resident when these have been assessed in accordance with paragraph (2).

(2) The person in charge shall arrange a comprehensive assessment, by an appropriate health care professional of the health, personal and social care needs of a resident or a person who intends to be a resident immediately before or on the person's admission to a designated centre.

(3) The person in charge shall prepare a care plan, based on the assessment referred to in paragraph (2), for a resident no later than 48 hours after that resident's admission to the designated centre concerned.

(4) The person in charge shall formally review, at intervals not exceeding 4 months, the care plan prepared under paragraph (3) and, where necessary, revise it, after consultation with the resident concerned and where appropriate that resident's family.

(5) A care plan, or a revised care plan, prepared under this Regulation shall be available to the resident concerned and may, with the consent of that resident or where the person-in-charge considers it appropriate, be made available to his or her family.

Health care

6. (1) The registered provider shall, having regard to the care plan prepared under Regulation 5, provide appropriate medical and health care, including a high standard of evidence based nursing care in accordance with professional guidelines issued by An Bord Altranais agus Cnáimhseachais from time to time, for a resident.

(2) The person in charge shall, in so far as is reasonably practical, make available to a resident—

- (a) a medical practitioner chosen by or acceptable to that resident,
- (b) where the resident agrees to medical treatment recommended by the medical practitioner concerned, the recommended treatment,
- (c) where the care referred to in paragraph (1) or other health care service requires additional professional expertise, access to such treatment.

Managing behaviour that is challenging

7. (1) The person in charge shall ensure that staff have up to date knowledge and skills, appropriate to their role, to respond to and manage behaviour that is challenging.

(2) Where a resident behaves in a manner that is challenging or poses a risk to the resident concerned or to other persons, the person in charge shall manage and respond to that behaviour, in so far as possible, in a manner that is not restrictive.

(3) The registered provider shall ensure that, where restraint is used in a designated centre, it is only used in accordance with national policy as published on the website of the Department of Health from time to time.

Protection

8. (1) The registered provider shall take all reasonable measures to protect residents from abuse.

(2) The measures referred to in paragraph (1) shall include staff training in relation to the detection and prevention of and responses to abuse.

(3) The person in charge shall investigate any incident or allegation of abuse.

(4) Where the person in charge is the subject of the allegation concerned the registered provider shall—

(a) investigate the matter, or

(b) nominate a person, who in the opinion of the registered provider, is a suitable person to investigate the matter.

Residents' rights

9. (1) The registered provider shall carry on the business of the designated centre concerned so as to have regard for the sex, religious persuasion, racial origin, cultural and linguistic background and ability of each resident.

(2) The registered provider shall provide for residents—

(a) facilities for occupation and recreation, and

(b) opportunities to participate in activities in accordance with their interests and capacities.

(3) A registered provider shall, in so far as is reasonably practical, ensure that a resident—

(a) may exercise choice in so far as such exercise does not interfere with the rights of other residents,

(b) may undertake personal activities in private,

(c) may communicate freely and in particular have access to—

(i) information about current affairs and local matters,

(ii) radio, television, newspapers and other media,

- (iii) telephone facilities, which may be accessed privately,
- (iv) voluntary groups, community resources and events,
- (d) may be consulted about and participate in the organisation of the designated centre concerned,
- (e) may exercise their civil, political and religious rights,
- (f) has access to independent advocacy services.

(4) The person in charge shall make staff aware of the matters referred to in paragraph (1) as respects each resident in a designated centre.

Communication difficulties

10. (1) The registered provider shall ensure that a resident, who has communication difficulties may, having regard to his or her wellbeing, safety and health and that of other residents in the designated centre concerned, communicate freely.

(2) The person in charge shall ensure that where a resident has specialist communication requirements, such requirements are recorded in the resident's care plan prepared under Regulation 5.

(3) The person in charge shall ensure that staff are informed of any specialist needs referred to in paragraph (2).

Visits

11. (1) The registered provider shall make arrangements for a resident to receive visitors.

(2) The person in charge shall ensure that—

- (a) in so far as is reasonably practicable, visits to a resident are not restricted, unless—
 - (i) such a visit would, in the opinion of the person in charge, pose a risk to the resident concerned or to another resident, or
 - (ii) the resident concerned has requested the restriction of visits.
- (b) having regard to the number of residents and needs of each resident, suitable communal facilities are available for a resident to receive a visitor, and, in so far as is practicable, a suitable private area, which is not the resident's room, is available to a resident to receive a visitor if required.

Personal possessions

12. The person in charge shall, in so far as is reasonably practical, ensure that a resident has access to and retains control over his or her personal property, possessions and finances and, in particular, that—

- (a) a resident uses and retains control over his or her clothes,
- (b) his or her linen and clothes are laundered regularly and returned to that resident,
- (c) he or she has adequate space to store and maintain his or her clothes and other personal possessions.

End of life care

13. (1) Where a resident is approaching the end of his or her life, the person in charge shall ensure that—

- (a) appropriate care and comfort, which addresses the physical, emotional, social, psychological and spiritual needs of the resident concerned are provided,
- (b) the religious and cultural needs of the resident concerned are, in so far as is reasonably practicable, met,
- (c) the family and friends of the resident concerned are, with the resident's consent, informed of the resident's condition, and permitted to be with the resident and suitable facilities are provided for such persons,
- (d) where the resident indicates a preference as to his or her location (for example a preference to return home or for a private room), such preference shall be facilitated in so far as is reasonably practicable.

(2) Following the death of a resident the person in charge shall ensure that appropriate arrangements, in accordance with that resident's wishes in so far as they are known and are reasonably practical, are made.

PART 3

STAFF

Persons in charge

14. (1) There shall be a person in charge of a designated centre.
- (2) The person in charge may be the registered provider where the registered provider concerned is a registered medical practitioner—
- (a) who is solely employed in carrying on the business of the designated centre concerned, and
 - (b) has not less than 3 years' experience of carrying on the business of a nursing home under the Health Act 2007.
- (3) Where the registered provider is not the person in charge, the person in charge shall be a registered nurse with not less than 3 years' experience of nursing older persons within the previous 6 years.

(4) The person in charge may be a person in charge of more than one designated centre if the Chief Inspector is satisfied that he or she is engaged in the effective governance, operational management and administration of the designated centres concerned.

(5) Where the registered provider is not the person in charge, he or she shall ensure that the documents specified in Schedule 2 are provided by the person concerned.

(6) A person who is employed to be a person in charge on or after the day which is 3 years after the day on which these Regulations come into operation shall have—

- (a) not less than 3 years experience in a management capacity in the health and social care area, and
- (b) a post registration management qualification in health or a related field.

(7) Where the Chief Inspector is satisfied that no resident of the designated centre concerned has been assessed as requiring full time nursing care, paragraphs (3) and (6) do not apply to the person in charge of that centre.

Staffing

15. (1) The registered provider shall ensure that the number and skill mix of staff is appropriate having regard to the needs of the residents, assessed in accordance with Regulation 5, and the size and layout of the designated centre concerned.

(2) The person in charge shall ensure that the staff of a designated centre includes, at all times, at least one registered nurse.

(3) Where the Chief Inspector is satisfied that no resident of the designated centre concerned has been assessed in accordance with Regulation 5 as requiring full time nursing care, paragraph (2) does not apply to the staff of that centre.

Training and staff development

16. (1) The person in charge shall ensure that—

- (a) staff have access to appropriate training,
- (b) staff are appropriately supervised,
- (c) staff are informed of the Act and any regulations made under it.

(2) The person in charge shall ensure that copies of the following are available to staff:

- (a) the Act and any regulations made under it;

- (b) any relevant standards set and published by the Authority under section 8 of the Act and approved by the Minister under section 10 of the Act;
- (c) relevant guidance published from time to time by Government or statutory agencies in relation to designated centres for older people.

PART 4

PREMISES

Premises

17. (1) The registered provider shall ensure that the premises of a designated centre are appropriate to the number and needs of the residents of that centre and in accordance with the statement of purpose prepared under Regulation 3.

(2) The registered provider shall, having regard to the needs of the residents of a particular designated centre, provide premises which conform to the matters set out in Schedule 6.

PART 5

FOOD AND NUTRITION

Food and Nutrition

18. (1) The person in charge shall ensure that each resident—

(a) has access to a safe supply of fresh drinking water at all times,

(b) is offered choice at mealtimes,

(c) is provided with adequate quantities of food and drink which—

(i) are properly and safely prepared, cooked and served,

(ii) are wholesome and nutritious, and

(iii) meet the dietary needs of a resident as prescribed by health care or dietetic staff, based on nutritional assessment in accordance with the individual care plan of the resident concerned.

(2) The person in charge shall provide meals, refreshments and snacks at all reasonable times.

(3) A person in charge shall ensure that an adequate number of staff are available to assist residents at meals and when other refreshments are served.

PART 6

INFORMATION AND RECORDS

Directory of residents

19. (1) The registered provider shall establish and maintain a Directory of Residents in a designated centre.

(2) The directory established under paragraph (1) shall be available, when requested, to the Chief Inspector.

(3) The directory shall include the information specified in paragraph (3) of Schedule 3.

Information for residents.

20. (1) The registered provider shall prepare and make available to residents a guide in respect of a designated centre.

(2) A guide prepared under paragraph (a) shall include—

(a) a summary of the services and facilities in that designated centre,

(b) the terms and conditions relating to residence in the designated centre concerned,

(c) the procedure respecting complaints, and

(d) the arrangements for visits.

Records

21. (1) The registered provider shall ensure that the records set out in Schedules 2, 3 and 4 are kept in a designated centre and are available for inspection by the Chief Inspector.

(2) Records kept in accordance with this section and set out in Schedule 2 shall be retained for a period of not less than 7 years after the staff member has ceased to be employed in the designated centre concerned.

(3) Records kept in accordance with this section and set out in Schedule 3 shall be retained for a period of not less than 7 years after the resident has ceased to reside in the designated centre concerned.

(4) Records kept in accordance with this section and set out in paragraphs (6), (9), (10), (11) and (12) of Schedule 4, shall be retained for a period of not less than 4 years from the date of their making.

(5) Records kept in accordance with this section and set out in paragraphs (7) and (8) of Schedule 4, shall be retained for a period of not less than 7 years from the date of their making.

(6) Records specified in paragraph (1) shall be kept in such manner as to be safe and accessible.

Insurance

22. (1) The registered provider shall effect a contract of insurance against injury to residents.

(2) The registered provider may insure against other risks, including loss or damage to a resident's property and where such insurance is effected the resident shall be advised accordingly.

PART 7

MANAGEMENT AND CONTROL OF OPERATIONS OF DESIGNATED CENTRE

Governance and Management

23. The registered provider shall ensure that:

- (a) the designated centre has sufficient resources to ensure the effective delivery of care in accordance with the statement of purpose;
- (b) there is a clearly defined management structure that identifies the lines of authority and accountability, specifies roles, and details responsibilities for all areas of care provision;
- (c) management systems are in place to ensure that the service provided is safe, appropriate, consistent and effectively monitored;
- (d) there is an annual review of the quality and safety of care delivered to residents in the designated centre to ensure that such care is in accordance with relevant standards set by the Authority under section 8 of the Act and approved by the Minister under section 10 of the Act;
- (e) the review referred to in subparagraph (d) is prepared in consultation with residents and their families; and
- (f) that a copy of the review referred to in subparagraph (d) is made available to residents and, if requested, to the Chief Inspector.

Contract for provision of services

24. (1) The registered provider shall agree in writing with each resident, on the admission of that resident to the designated centre concerned, the terms on which that resident shall reside in that centre.

(2) The agreement referred to in paragraph (1) shall relate to the care and welfare of the resident in the designated centre concerned and include details of—

- (a) the services to be provided, whether under the Nursing Homes Support Scheme or otherwise, to the resident concerned,
- (b) the fees, if any, to be charged for such services,

- (c) where appropriate, the arrangements for the application for or receipt of financial support under the Nursing Homes Support Scheme, including the arrangements for the payment or refund of monies, or
- (d) any other service of which the resident may choose to avail but which is not included in the Nursing Homes Support Scheme or to which the resident is not entitled under any other health entitlement.

Temporary absence or discharge of residents

25. (1) When a resident is temporarily absent from a designated centre for treatment at another designated centre, hospital or elsewhere, the person in charge of the designated centre from which the resident is temporarily absent shall ensure that all relevant information about the resident is provided to the receiving designated centre, hospital or place.

(2) When a resident returns from another designated centre, hospital or place, the person in charge of the designated centre from which the resident was temporarily absent shall take all reasonable steps to ensure that all relevant information about the resident is obtained from the other designated centre, hospital or place.

(3) The person in charge shall ensure that, in so far as practicable, a resident is discharged from the designated centre concerned in a planned and safe manner.

(4) A discharge shall be discussed, planned for and agreed with a resident and, where appropriate, with their family or carer, and in accordance with the terms and conditions of the contract agreed in accordance with Regulation 24.

Risk management

26. (1) The registered provider shall ensure that the risk management policy set out in Schedule 5 includes, the following:

- (a) hazard identification and assessment of risks throughout the designated centre;
- (b) the measures and actions in place to control the risks identified;
- (c) the measures and actions in place to control the following specified risks:
 - (i) abuse;
 - (ii) the unexplained absence of any resident;
 - (iii) accidental injury to residents, visitors or staff;
 - (iv) aggression and violence;
 - (v) self-harm;
- (d) arrangements for the identification, recording, investigation and learning from serious incidents or adverse events involving residents.

(2) The registered provider shall ensure that there is a plan in place for responding to major incidents likely to cause death or injury, serious disruption to essential services or damage to property.

Infection control

27. The registered provider shall ensure that procedures, consistent with the standards for the prevention and control of healthcare associated infections published by the Authority are implemented by staff.

Fire precautions

28. (1) The registered provider shall:

- (a) take adequate precautions against the risk of fire, and shall provide suitable fire fighting equipment, suitable building services, and suitable bedding and furnishings;
- (b) provide adequate means of escape, including emergency lighting;
- (c) make adequate arrangements for:
 - (i) maintaining of all fire equipment, means of escape, building fabric and building services;
 - (ii) reviewing fire precautions, and
 - (iii) testing fire equipment.
- (d) make arrangements for staff of the designated centre to receive suitable training in fire prevention and emergency procedures, including evacuation procedures, building layout and escape routes, location of fire alarm call points, first aid, fire fighting equipment, fire control techniques and the procedures to be followed should the clothes of a resident catch fire.
- (e) ensure, by means of fire safety management and fire drills at suitable intervals, that the persons working at the designated centre and, in so far as is reasonably practicable, residents, are aware of the procedure to be followed in the case of fire.

(2) The registered provider shall make adequate arrangements for:

- (i) detecting, containing and extinguishing fires;
- (ii) giving warning of fires;
- (iii) calling the fire service; and
- (iv) evacuating, where necessary in the event of fire, of all persons in the designated centre and safe placement of residents.

(3) The person in charge shall ensure that the procedures to be followed in the event of fire are displayed in a prominent place in the designated centre.

Medicines and pharmaceutical services

29. (1) The registered provider shall ensure, in so far as is reasonably practicable, that a pharmacist of a resident's choice or who is acceptable to the resident is available to the resident.

(2) The person in charge shall facilitate the pharmacist concerned in meeting his or her obligations to a resident under any relevant legislation or guidance issued by the Pharmaceutical Society of Ireland.

(3) The person in charge shall ensure that, where a pharmacist provides a record of medication related interventions in respect of a resident, such record shall be kept in a safe and accessible place in the designated centre concerned.

(4) The person in charge shall ensure that all medicinal products dispensed or supplied to a resident are stored securely at the centre.

(5) The person in charge shall ensure that all medicinal products are administered in accordance with the directions of the prescriber of the resident concerned and in accordance with any advice provided by that resident's pharmacist regarding the appropriate use of the product.

(6) The person in charge shall ensure that a medicinal product which is out of date or has been dispensed to a resident but is no longer required by that resident shall be stored in a secure manner, segregated from other medicinal products and disposed of in accordance with national legislation or guidance in a manner that will not cause danger to public health or risk to the environment and will ensure that the product concerned can no longer be used as a medicinal product.

Volunteers

30. The person in charge shall ensure that people involved on a voluntary basis with the designated centre:

- (a) have their roles and responsibilities set out in writing;
- (b) receive supervision and support; and
- (c) provide a vetting disclosure in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.

PART 8

NOTIFICATION OF INCIDENTS OCCURRING IN DESIGNATED CENTRES

Notification of incidents

31. (1) Where an incident set out in paragraphs 7 (1) (a) to (j) of Schedule 4 occurs, the person in charge shall give the Chief Inspector notice in writing of the incident within 3 working days of its occurrence.

(2) The person in charge shall ensure that, when the cause of an unexpected death has been established, the Chief Inspector is informed of that cause in writing.

(3) The person in charge shall provide a written report to the Chief Inspector at the end of each quarter in relation to the occurrence of an incident set out in paragraphs 7(2) (k) to (n) of Schedule 4.

(4) Where no report is required under paragraphs (1) or (3), the registered provider concerned shall report that to the Chief Inspector at the end of each 6 month period.

PART 9

NOTIFICATION OF ABSENCE OF PERSON IN CHARGE AND PROCEDURES AND ARRANGEMENTS MADE FOR SUCH ABSENCES

Notification of absence

32. (1) Where the person in charge of the designated centre proposes to be absent from the designated centre for a continuous period of 28 days or more, the registered provider shall give notice in writing to the Chief Inspector of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the proposed absence commences or within such shorter period as may be agreed with the Chief Inspector and the notice shall specify:

- (a) the length or expected length of the absence; and
- (b) the expected dates of departure and return.

(3) Where the person in charge is absent as the result of an emergency, the registered provider shall, as soon as it becomes apparent that the absence concerned will be for a period of 28 days or more, give notice of the absence including the information referred to in paragraph (2) in writing to the Chief Inspector specifying the matters mentioned in paragraph (2).

(4) Where an absence referred to in paragraph (3) has occurred, the registered provider shall notify the Chief Inspector of the return to duty of the person in charge not later than 3 working days after the date of his or her return.

Notification of procedures and arrangements for periods when person in charge is absent from the designated centre

33. (1) Where the registered provider gives notice of the absence of the person in charge from the designated centre under Regulation 32, such notice shall include details of the procedures and arrangements that will be in place for the management of the designated centre during that absence.

(2) The notice referred to in paragraph (1) shall specify:

- (a) the arrangements which have been, or were made, for the running of the designated centre during that absence;
- (b) the arrangements that have been, or are proposed to be, made for appointing another person in charge to manage the designated centre during that absence, including the proposed date by which the appointment is to be made; and
- (c) the name, contact details and qualifications of the person who will be or was responsible for the designated centre during that absence.

PART 10

COMPLAINTS PROCEDURES

Complaints procedure

34. (1) The registered provider shall provide an accessible and effective complaints procedure which includes an appeals procedure, and shall—

- (a) make each resident and their family aware of the complaints procedure as soon as is practicable after the admission of the resident to the designated centre concerned,
- (b) display a copy of the complaints procedure in a prominent position in the designated centre,
- (c) nominate a person who is not involved in the matter the subject of the complaint to deal with complaints,
- (d) investigate all complaints promptly,
- (e) assist a complainant to understand the complaints procedure,
- (f) ensure that the nominated person maintains a record of all complaints including details of any investigation into the complaint, the outcome of the complaint and whether or not the resident was satisfied,
- (g) inform the complainant promptly of the outcome of their complaint and details of the appeals process,
- (h) put in place any measures required for improvement in response to a complaint.

(2) The registered provider shall ensure that all complaints and the results of any investigations into the matters complained of and any actions taken on foot of a complaint are fully and properly recorded and that such records shall be in addition to and distinct from a resident's individual care plan.

(3) The registered provider shall nominate a person, other than the person nominated in paragraph (1)(c), to be available in a designated centre to ensure that:

- (a) all complaints are appropriately responded to; and
 - (b) the person nominated under paragraph (1)(c) maintains the records specified under in paragraph (1)(f).
- (4) The registered provider shall ensure that any resident who has made a complaint is not adversely affected by reason of the complaint having been made.

PART 11

REVOCATIONS

Revocations

35. The following are revoked:

- (a) the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009 (S.I. No. 236 of 2009),
- (b) the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) (Amendment) Regulations 2010 (S.I. No. 36 of 2010), and
- (c) the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) (Amendment) Regulations 2012 (S.I. No. 95 of 2012).

SCHEDULE 1

*Regulation 3*INFORMATION TO BE INCLUDED IN THE STATEMENT OF
PURPOSE**Registration details**

1. The information set out in the Certificate of Registration.

Services and Facilities Provided in the Designated Centre

2. Information regarding the following:
 - (a) the aims and objectives of the designated centre;
 - (b) the specific care needs that the designated centre is intended to meet;
 - (c) the facilities which are to be provided by the registered provider to meet those care needs;
 - (d) the services which are to be provided by the registered provider to meet those care needs;
 - (e) criteria used for admission to the designated centre, including the designated centre's policy and procedures (if any) for emergency admissions.
3. The age-range and sex of the residents for whom it is intended that accommodation should be provided.
4. A description (either in narrative form or a floor plan) of the rooms in the designated centre including their size and primary function.
5. Any separate facilities for day care.

Management and Staffing

6. The total staffing complement, in whole time equivalents, for the designated centre with the management and nursing complements as required in Regulations 14 and 15.
7. The organisational structure of the designated centre.
8. Arrangements for the management of a designated centre where the person in charge is in charge of more than one centre or absent from the centre or centres concerned.

Residents' well being and safety

9. The arrangements made for dealing with reviews of the resident's care plan referred to in Regulation 5.

10. Details of any specific therapeutic techniques used in the designated centre and arrangements made for their supervision.

11. The arrangements made for respecting the privacy and dignity of residents.

12. The arrangements for residents to engage in social activities, hobbies and leisure interests.

13. The arrangements made for consultation with, and participation of, residents in the operation of the designated centre.

14. The arrangements made for residents to attend religious services of their choice.

15. The arrangements made for contact between residents and their relatives, friends and/or carers.

16. The arrangements made for dealing with complaints.

17. The fire precautions and associated emergency procedures in the designated centre.

SCHEDULE 2

Regulations 14 and 15

DOCUMENTS TO BE HELD IN RESPECT OF

THE PERSON IN CHARGE AND FOR EACH MEMBER OF STAFF

1. Evidence of the person's identity, including his or her full name, address, date of birth and a recent photograph.
2. A vetting disclosure in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.
3. Details and documentary evidence of any relevant qualifications or accredited training of the person.
4. A record of current registration details of professional staff subject to registration.
5. A full employment history, together with a satisfactory history of any gaps in employment.
6. Correspondence, reports, records of disciplinary action and any other records in relation to his or her employment.
7. Details of any previous experience (if any) of carrying on the business of a designated centre.
8. Two written references, including a reference from a person's most recent employer (if any). Where a format has been specified by the Chief Inspector the references should be in that format.

SCHEDULE 3

*Regulation 21*RECORDS TO BE KEPT IN A DESIGNATED CENTRE IN RESPECT
OF EACH RESIDENT

1. The resident's individual assessment and care plan referred to in Regulation 5.
2. A recent photograph of the resident.
3. A record of the following matters in respect of each resident in the Directory of Residents established under Regulation 19:
 - (a) the name, address, date of birth, sex, and marital status of each resident;
 - (b) the name, address and telephone number of the resident's next of kin or of any person authorised to act on their behalf;
 - (c) the name, address and telephone number of the resident's general practitioner and of any officer of the Health Service Executive whose duty it is to supervise the welfare of the resident;
 - (d) the date on which the resident was first admitted to the designated centre;
 - (e) if the resident was discharged from the designated centre, the date on which he or she was discharged;
 - (f) if the resident is transferred to another designated centre or to a hospital, the name of the designated centre or hospital and the date on which the resident was transferred;
 - (g) where the resident died at the designated centre, the date, time and cause of death, when established; and
 - (h) the name and address of any authority, organisation or other body, which arranged the resident's admission to the designated centre.
4. A record of the following matters in respect of each resident:
 - (a) a record of the medical, nursing and psychiatric (where appropriate) condition of the person at the time of admission;
 - (b) details of any plan relating to the resident in respect of medication, nursing care, specialist health care or nutrition;
 - (c) a nursing record of the person's health and condition and treatment given, completed on a daily basis and signed and dated by the nurse on duty in accordance with any relevant professional guidelines;

- (d) a record of each drug and medicine administered signed and dated by the nurse administering the drugs and medicines in accordance with any relevant professional guidelines;
 - (e) a record of on-going medical assessment, treatment and care provided by a person's medical practitioner where that information is available;
 - (f) a record of all medical referrals and follow-up medical appointments;
 - (g) a record of any occasion on which restraint is used, the resident to whom it is applied, the reason for its use, the interventions tried to manage the behaviour, the nature of the restraint and its duration;
 - (h) a record of the resident's decision not to receive certain medical treatments and a record of any occasion where a resident refuses treatment;
 - (i) a record of any medication errors or adverse reactions in relation to each resident;
 - (j) a record of any incident in which a resident suffers abuse or harm, which record shall include the nature, date and time of the incident, whether medical treatment was required, the name of the persons who were respectively in charge of the designated centre and supervising the resident, and the names and contact details of any witnesses, the results of any investigation and the actions taken;
 - (k) a record of any incident of pressure ulcers and of treatment provided to the resident; and
 - (l) a record of falls and of treatment provided to the resident.
5. A record of the following matters in respect of each resident:
- (a) details of any specialist communication needs of the resident and methods of communication that may be appropriate to the resident;
 - (b) a record of all money or other valuables deposited by a resident for safekeeping or received on the resident's behalf, which record shall include—
 - (i) the date on which the money or valuables were deposited or received, the date on which any money or valuables were returned to a resident or used, at the request of the resident, on their behalf and, where applicable, the purpose for which the money or valuables were used; and
 - (ii) a written acknowledgement of the return of the money or valuables; and

(c) a record of furniture brought by a resident into the room occupied by him or her.

6. A copy of correspondence to or from the designated centre relating to each resident.

SCHEDULE 4

Regulation 21

OTHER RECORDS TO BE KEPT IN A DESIGNATED CENTRE

General Records

1. A copy of the current statement of purpose.
2. A copy of the current resident's guide.
3. A copy of all inspection reports.

Charges

4. A record of the designated centre's charges to residents, including any extra amounts payable for additional services not covered by those charges, and the amounts paid by or in respect of each resident.

Food

5. Records of the food provided for residents in sufficient detail to enable any person inspecting the record to determine whether the diet is satisfactory in relation to nutrition and otherwise, and of any special diets prepared for individual residents.

Complaints

6. A record of all complaints made by residents or representatives or relatives of residents or by persons working at the designated centre about the operation of the designated centre, and the action taken by the registered provider in respect of any such complaint.

Notifications

7. Notifications under Regulation 31
 1. The Chief Inspector shall be notified of the occurrence of any of the following events within 3 days of such occurrence and a record of the event shall be kept:
 - (a) the unexpected death of any resident, including the death of any resident following transfer to hospital from the designated centre, and the circumstances and cause of death when established;
 - (b) any fire;
 - (c) any loss of power, heating or water;

- (d) any incident where an unplanned evacuation of the designated centre took place;
- (e) an outbreak of any notifiable disease;
- (f) any serious injury to a resident that requires immediate medical and/or hospital treatment;
- (g) any unexplained absence of a resident from the designated centre;
- (h) any allegation, suspected or confirmed of abuse of any resident;
- (i) any allegation of misconduct by the registered provider or by a member of staff;
- (j) any occasion where the registered provider became aware that a member of staff is the subject of review by a professional body.

2. The Chief Inspector shall be notified at quarterly intervals of the occurrence of any of the following events and a record of such an occurrence shall be kept:

- (k) any occasion when restraint was used;
- (l) any occasion on which the fire alarm equipment is operated other than for the purpose of fire practice, drill or test of equipment;
- (m) a recurring pattern of theft or burglary;
- (n) any death, including cause of death, other than those specified in (a) above; and
- (o) such other adverse incident the Chief Inspector may require.

Staff

8. A record of all persons currently and previously employed at the designated centre, including in respect of each person so employed:

- (a) the dates on which he or she commenced and ceased to be so employed;
- (b) the position he or she holds at the designated centre, the work that he or she performs;
- (c) a record of staff training.

9. A copy of the duty roster of persons working at the designated centre, and a record of whether the roster was actually worked.

Fire Safety

10. A record of each fire practice, drill or test of fire equipment (including fire alarm equipment) conducted in the designated centre and of any action taken to remedy any defects found in the fire equipment.

11. A record of the number, type and maintenance record of fire-fighting equipment.

Directory of Visitors

12. A record of all visitors to the designated centre, including the names of visitors.

SCHEDULE 5

*Regulation 4*POLICIES AND PROCEDURES TO BE MAINTAINED IN THE
DESIGNATED CENTRE.

The registered provider shall ensure that the designated centre has written policies and procedures on the following matters:

1. The prevention, detection and response to abuse;
2. Admissions;
3. Management of behaviour that is challenging;
4. The use of restraint;
5. Residents' personal property, personal finances and possessions;
6. Communication;
7. End of life care;
8. Staff training and development;
9. Recruitment, selection and vetting of staff;
10. Monitoring and documentation of nutritional intake;
11. Provision of information to residents;
12. The creation of, access to, retention of and destruction of records;
13. Temporary absence and discharge of residents;
14. Health and safety of residents, staff and visitors (including infection control and food safety);
15. Risk management;
16. Responding to emergencies;
17. Fire safety management;
18. The ordering, receipt, prescribing, storing and administration of medicines to residents;
19. The handling and disposal of unused or out of date medicines;
20. The handling and investigation of complaints from any person about any aspects of service, care and treatment provided in, or on behalf of a designated centre.

SCHEDULE 6

Regulation 17

Premises

PART 1

GENERAL

1. Premises to be—
 - (a) designed and laid out to meet the needs of residents,
 - (b) of sound construction and kept in a good state of repair externally and internally, and
 - (c) clean and suitably decorated.
2. Equipment for use by residents to be in good working order.
3. There should be provided on the premises—
 - (a) emergency call facilities accessible from each resident's bed and in every room used by residents,
 - (b) grabrails in bath, shower and toilet areas,
 - (c) handrails on both sides of stair cases except where there is a stairlift,
 - (d) where residents are maintained on two, or more floors, a lift,
 - (e) safe floor covering,
 - (f) adequate private and communal accommodation for residents,
 - (g) rooms of a suitable size and layout for the needs of residents,
 - (h) adequate space and suitable storage facilities, in so far as is reasonably practicable, for personal possessions, including a lockable storage space and a secure facility for the safe-keeping of residents' personal money and valuables,
 - (i) adequate sitting, recreational and dining space other than a resident's private accommodation,
 - (j) communal space for residents suitable for social, cultural and religious activities appropriate to the circumstances of residents,
 - (k) suitable storage in the designated centre,
 - (l) suitable adaptations, and such support, equipment and facilities as may be required to be provided for residents.

- (m) external grounds which are suitable for, and safe for use by, residents and that such grounds are appropriately maintained,
- (n) ventilation, heating and lighting suitable for residents in all parts of the designated centre which are used by residents.

PART 2

KITCHEN

The registered provider shall ensure that in every designated centre there is a separate kitchen which has suitable and sufficient cooking facilities, kitchen equipment and tableware.

PART 3

SANITARY FACILITIES

The registered provider shall ensure that, having regard to the number of residents, there is—

- (a) a sufficient supply of piped hot and cold water, which incorporates thermostatic control valves or other suitable anti-scalding protection, and that wash-hand basins are provided in each bedroom,
- (b) a sufficient number of toilets, and of wash-basins, baths and showers (including assisted baths and showers, having regard to the dependency of persons in the designated centre) fitted with a hot and cold water supply, which incorporates thermostatic control valves or other suitable anti-scalding protection,
- (c) a sufficient number of toilets designed to provide access for residents in wheelchairs, having regard to the number of persons using wheelchairs in the designated centre,
- (d) a sufficient number of commodes,
- (e) appropriate sluicing facilities,
- (f) adequate laundry facilities including a wash hand basin in each laundry room.



GIVEN under my Official Seal,
29 October 2013.

JAMES REILLY,
Minister for Health.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations contain provisions for the purposes of ensuring proper standards for designated centres for older people.

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