



STATUTORY INSTRUMENTS

S.I. No. 236 of 2009

HEALTH ACT 2007 (CARE AND WELFARE OF RESIDENTS IN
DESIGNATED CENTRES FOR OLDER PEOPLE) REGULATIONS 2009

(Prn. A9/0837)

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I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by section 101 of the Health Act 2007 (No. 23 of 2007) hereby make the following regulations:

PART 1

Citation

1. These Regulations may be cited as the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009.

Commencement

2. These Regulations come into operation on the 1st day of July 2009.

Revocations

3. (1) The Nursing Homes (Care and Welfare) Regulations, 1993 (S.I. No. 226 of 1993) are hereby revoked.

(2) The Nursing Homes (Care and Welfare) (Amendment) Regulations, 1993 (S.I. No. 379 of 1993) are hereby revoked.

(3) The Nursing Homes (Care and Welfare) (Amendment) Regulations, 1994 (S.I. No. 147 of 1994) are hereby revoked.

Interpretation

4. In these Regulations:

“the Act” means the Health Act, 2007;

“communication” means the use of mail, fax, email, internet, telephone or any device for the purposes of sending or receiving messages or goods;

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

“competent person” has the same meaning as that contained in *section 2* of the Safety, Health and Welfare at Work Act, 2005;

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

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 30th June, 2009.

“directory of residents” means a record of residents established under article 23 of these regulations, which may be in electronic or other format and contains the information set out in Schedule 3, paragraph 3 of these regulations;

“individual care plan” means a plan developed in accordance with article 8 of these regulations;

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

“medical record” means a record kept or retained in pursuance of article 25 of these regulations;

“personal property and possessions” means the belongings and personal effects that a resident brings into a designated centre; 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 kept or retained in pursuance of these Regulations and includes any memorandum, book, plan, map, drawing, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data (within the meaning of the Data Protection Act, 1988) are held, any other form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and anything that is a part or a copy, in any form, of any of the foregoing or is a combination of two or more of the foregoing;

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

“resident’s guide” means the written guide produced in accordance with article 21 of these regulations;

“staff” means persons employed by the registered provider to work at the designated centre but does not include a volunteer or a person employed under a contract for services;

“statement of purpose” means the written statement compiled in accordance with article 5 of these regulations;

“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

MAINTENANCE, CARE, WELFARE AND WELL-BEING OF PERSONS RESIDENT IN A
DESIGNATED CENTRE*Statement of Purpose*

5. (1) The registered provider shall compile, in relation to the designated centre, a written statement (in these Regulations referred to as “the statement of purpose”) which shall consist of:

- (a) a statement of the aims, objectives and ethos of the designated centre;
- (b) a statement as to the facilities and services which are to be provided by the registered provider for residents; and
- (c) a statement as to the matters listed in Schedule 1.

(2) The registered provider shall provide a copy of the statement of purpose to the Chief Inspector and shall make a copy of it available on request to residents.

(3) The registered provider shall keep the statement of purpose under review.

(4) The registered provider shall notify the Chief Inspector in writing before changes can be made to the statement of purpose which affect the purpose and function of the designated centre.

General Welfare and Protection

6. (1) The registered provider shall ensure that:

- (a) all reasonable measures are taken to protect each resident from all forms of abuse, and
- (b) there is a policy on and procedures in place for the prevention, detection and response to abuse.

(2) The person in charge shall:

- (a) make all necessary arrangements, by training staff or by other measures, which are aimed at preventing residents being harmed or suffering abuse or being placed at risk of harm or abuse; and
- (b) record any incidence and take appropriate action where a resident is harmed or suffers abuse.

(3) The registered provider shall ensure that there is provided for residents maintained in a designated centre:

- (a) suitable and sufficient care to maintain the resident’s welfare and well-being, having regard to the nature and extent of the resident’s dependency and needs as set out in their care plan;

- (b) a high standard of evidence based nursing practice;
- (c) appropriate medical care by a medical practitioner of the resident's choice or acceptable to the person; and
- (d) opportunities to participate in activities appropriate to his or her interests and capacities.

Residents' Personal Property and Possessions

7. (1) The registered provider shall ensure that the designated centre has written operational policies and procedures relating to residents' personal property and possessions.

(2) The person in charge shall ensure that a record is kept of each resident's personal property signed by the resident and this record must be kept up to date.

(3) The registered provider shall ensure that adequate space is provided for a reasonable number of personal possessions and that each resident retains control over their personal possessions.

Assessment and Care Plan

8. (1) The person in charge shall ensure each resident's needs are set out in an individual care plan developed and agreed with each resident.

(2) The person in charge shall:

- (a) make the resident's care plan available to the resident;
- (b) keep the resident's care plan under formal review as required by the resident's changing needs or circumstances and no less frequent than at three-monthly intervals;
- (c) revise the resident's care plan, after consultation with them, unless it is impracticable to carry out such consultation; and
- (d) notify the resident of any review.

Health Care

9. (1) The registered provider shall ensure that all appropriate health care is facilitated and that each resident is supported on an individual basis to achieve and enjoy the best possible health.

(2) The person in charge shall ensure that:

- (a) where medical treatment is recommended and agreed by a resident that it is facilitated;
- (b) when a resident requires physiotherapy, chiropody, occupational therapy, or any other services as may be required, access to such service is facilitated by the registered provider or by arrangement with the Executive; and

- (c) a resident's right to refuse treatment shall be respected and documented and the matter brought to the attention of the resident's medical practitioner.

(3) The Executive may provide services (being services of a kind provided by or on behalf of the Executive for the purposes of its functions) to a designated centre at the request of the registered provider upon such terms, charges and conditions and to such extent as the Executive may determine, following discussion with the registered provider of the centre.

(4) The registered provider shall ensure that records are maintained of all referrals and follow-up appointments.

Residents' Rights, Dignity and Consultation

10. The registered provider shall ensure that residents are provided with:

- (a) facilities for the occupation and recreation of residents;
- (b) freedom to exercise choice to the extent that such freedom does not infringe on the rights of other residents;
- (c) privacy, insofar as is reasonably practicable, to the extent that the resident is able to undertake personal activities in private;
- (d) information concerning current affairs, local matters, voluntary groups, community resources and events;
- (e) adequate arrangements to ensure the operations of the designated centre are conducted with due regard to the sex, religious persuasion, racial origin, cultural and linguistic background, and any disability of residents;
- (f) arrangements to facilitate, insofar as is reasonably practicable, the exercise of their civil, political and religious rights; and
- (g) arrangements to facilitate, insofar as is reasonably practicable, consultation and participation in the organisation of the designated centre.

Communication

11. (1) Subject to article 11(2), the registered provider shall ensure that each resident is free to communicate at all times, having due regard to their, and other residents', wellbeing, safety and health.

(2) The registered provider shall ensure that the designated centre has written operational policies and procedures on communication.

(3) The person in charge shall ensure that:

- (a) each resident is facilitated and encouraged to communicate;
- (b) each resident has access to radio, television, newspapers, and other media; and
- (c) there are telephone facilities that each resident can access in private.

Visits

12. (1) The registered provider shall ensure that appropriate arrangements are made for each resident to receive visitors.

(2) The person in charge shall ensure that as far as is practicable there are no restrictions on visits except when requested by the resident or when the visit or timing of the visit is deemed to pose a risk.

(3) The person in charge shall, having regard to the number and needs of each resident, ensure that suitable facilities are provided for each resident to meet visitors in communal accommodation and, in as far as is practicable, a suitable private area which is separate from the resident's own private rooms.

Clothing

13. The person in charge shall:

- (a) arrange for the regular laundering of linen and clothing;
- (b) provide adequate facilities, insofar as is reasonably practicable, for residents to wash, dry and iron their own clothes if they so wish and, for that purpose, to make arrangements for their clothes to be sorted and kept separately; and
- (c) provide adequate facilities for residents to appropriately store, maintain and use their own clothes.

End of Life Care

14. (1) The registered provider shall ensure that the designated centre has written operational policies and protocols for end of life care.

(2) The person in charge shall ensure that when a resident is approaching the end of their life:

- (a) appropriate care and comfort are given to the resident to address their physical, emotional, psychological and spiritual needs;

- (b) his or her religious and cultural practices, insofar as is reasonably practicable, are facilitated;
 - (c) the resident's family and friends, insofar as is reasonably practicable, are facilitated to be with the resident when they are dying and overnight facilities are available for their use; and
 - (d) whenever possible, that each resident's choice as to the place of death, including the option of a single room or returning home, is identified and facilitated.
- (3) The person in charge shall ensure, whenever possible, that in the event of the sudden death of a resident:
- (a) the resident's death is managed/responded to with dignity and propriety;
 - (b) their religious and cultural practices, insofar as is reasonably practicable, are facilitated; and
 - (c) the needs of the resident's family, next-of-kin and friends, insofar as is reasonably practicable, are accommodated.
- (4) The person in charge shall ensure respect for the remains of deceased persons and make arrangements, in consultation with the deceased resident's family, for the removal of remains.

Part 3

THE NUMBERS, QUALIFICATIONS AND AVAILABILITY OF PERSONS EMPLOYED IN A DESIGNATED CENTRE

Person in Charge

15. (1) There shall be a person in charge of a designated centre.
- (2) Subject to article 15(3), the post of person in charge, where that is not the registered provider, shall be full-time and the registered provider or the person in charge, where that is not the registered provider, shall be a nurse with a minimum of three years experience in the area of geriatric nursing within the previous six years.
- (3) Where the registered provider is a registered medical practitioner, solely employed in the carrying on of a designated centre and has a minimum of three years experience carrying on a nursing home under the Health (Homes for Incapacitated Persons) Regulations, 1985, or as a registered provider of a designated centre, the registered provider may be the person in charge, provided that at all times there is a nurse on duty in the designated centre.
- (4) Nothing in these regulations shall prevent the person in charge filling that role for more than one designated centre within an agreed geographical area once the Chief Inspector is satisfied that they are engaged in the governance,

operational management and administration of all of the designated centres on a regular and consistent basis.

Staffing

16. (1) The person in charge shall ensure that at all times the numbers of staff and skill mix of staff are appropriate to the assessed needs of residents, and the size and layout of the designated centre.

(2) The person in charge shall ensure that there is an appropriately qualified registered general nurse on duty and in charge of the designated centre at all times and a record thereof maintained in the designated centre.

(3) The person in charge shall ensure that there is a planned and actual staff rota, showing staff on duty at any time during the day and night and that it is maintained.

Training and Staff Development

17. (1) The person in charge shall ensure that staff members have access to education and training to enable them to provide care in accordance with contemporary evidence based practice.

(2) The person in charge shall ensure that all staff members are supervised on an appropriate basis pertinent to their role.

(3) The person in charge shall ensure that all staff members are made aware of the provisions of the Act and all regulations and rules made thereunder, commensurate with their role, the statement of purpose and with any policies and procedures dealing with the general welfare and protection of residents.

(4) The person in charge shall ensure that a copy of the Act and any regulations and rules made thereunder are to be made available to all staff in the designated centre.

Recruitment

18. (1) The registered provider shall ensure that the designated centre has written policies and procedures relating to the recruitment, selection and vetting of staff.

(2) The registered provider shall not employ a person to be a member of their staff unless:

- (a) the person is fit to work at the designated centre;
- (b) they have obtained in respect of that person the information and documents specified in Schedule 2; and
- (c) they are satisfied on reasonable grounds as to the authenticity of the references referred to in Schedule 2 in respect of that person.

(3) For the purposes of article 18(2)(a) a person is not fit to work at a designated centre unless:

- (a) they are of integrity and good character;
- (b) they have qualifications suitable to the work that they are to perform, and the skills and experience necessary for such work;
- (c) they are physically and mentally fit for the purposes of the work which they are to perform at the designated centre; and
- (d) full and satisfactory information is available in relation to them in respect of the matters set out under Schedule 2.

Part 4

THE DESIGN, MAINTENANCE, REPAIR, CLEANING AND CLEANLINESS, VENTILATION, HEATING AND LIGHTING OF AND THE ACCOMMODATION PROVIDED IN A DESIGNATED CENTRE

Premises

19. (1) The registered provider shall not use premises for the purposes of a designated centre unless the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose, and the location of the premises is appropriate to the needs of residents.

(2) The registered provider shall ensure that the designated centre complies with the Planning and Development Acts 2000-2006 and any building bye-laws that may be in force.

(3) The registered provider shall having regard to the number and needs of the residents ensure that:

- (a) the physical design and layout of the premises to be used as the designated centre meets the needs of each resident;
- (b) the premises to be used as the designated centre are of sound construction and kept in a good state of repair externally and internally;
- (c) equipment provided at the designated centre for use by residents or persons who work at the designated centre is maintained in good working order;
- (d) all parts of the designated centre are kept clean and suitably decorated;
- (e) adequate private and communal accommodation is provided for residents;
- (f) the size and layout of rooms occupied or used by residents are suitable for their needs;
- (g) there is adequate sitting, recreational and dining space provided separately from the resident's private accommodation;

- (h) the communal space provided for residents is suitable for the provision of social, cultural and religious activities appropriate to the circumstances of residents;
 - (i) suitable facilities are provided for residents to meet visitors in communal accommodation and, in as far as is practicable, a suitable private area which is separate from the resident's own private rooms;
 - (j) there are provided at appropriate places in the premises sufficient numbers of lavatories, and of wash-basins, baths and showers fitted with a hot and cold water supply, which incorporates thermostatic control valves or other suitable anti-scalding protection;
 - (k) necessary sluicing facilities are provided;
 - (l) suitable provision is made for storage in the designated centre;
 - (m) suitable storage facilities are provided for the use of residents;
 - (n) suitable adaptations are made, and such support, equipment and facilities, including passenger lifts, as may be required are provided for residents;
 - (o) external grounds which are suitable for, and safe for use by, residents are provided and appropriately maintained; and
 - (p) ventilation, heating and lighting suitable for residents is provided in all parts of the designated centre which are used by residents.
- (4) The registered provider shall provide for staff:
- (a) suitable facilities and accommodation including:
 - (i) facilities for the purpose of changing;
 - (ii) storage facilities;
 - (b) sleeping accommodation, where the provision of such accommodation is needed by staff in connection with their work, at the designated centre.

(5) The registered provider shall ensure that the maximum number of residents to be maintained in the home and the maximum number of residents to be accommodated in shared rooms in the designated centre shall not exceed a number for which the designated centre is registered by the Chief Inspector.

Kitchen Facilities

- (6) In every designated centre there shall be:
- (a) a separate kitchen with suitable and sufficient cooking facilities, kitchen equipment and tableware; and

- (b) provision for the storage of food in hygienic conditions.

Sanitary Facilities

- (7) The registered provider of the designated centre shall ensure that:
 - (a) there is 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) there is a sufficient number of toilets having regard to the number of dependent persons in the home and that a sufficient number of toilets are designed to provide access for residents in wheelchairs, having regard to the number of persons using wheelchairs in the designated centre;
 - (c) a sufficient number of commodes is provided;
 - (d) there is a sufficient number of baths and showers having regard to the number of persons in the designated centre and that a sufficient number of assisted baths and showers are provided, having regard to the dependency of persons in the designated centre;
 - (e) where items such as incontinence wear are necessary, they are available in sufficient quantity;
 - (f) bed linen, disposable sheets and incontinence wear are changed as frequently as may be required for the comfort and well-being of the resident; and
 - (g) adequate arrangements are made for the proper disposal of swabs, soiled dressings, instruments, disposable syringes and sheets, incontinence wear and other similar substances and materials.

Part 5

THE FOOD PROVIDED FOR PERSONS WHILE RESIDENT IN A DESIGNATED CENTRE

Food and Nutrition

- 20. (1) The person in charge shall ensure that each resident has access to a safe supply of fresh drinking water at all times.
- (2) The person in charge shall ensure that each resident is provided with food and drink in quantities adequate for their needs, which is properly prepared, cooked and served; is wholesome and nutritious; offers choice at each mealtime; is varied and takes account of any special dietary requirements; and is consistent with each resident's individual needs.
- (3) Any dietary restriction on medical or religious grounds shall be facilitated.

(4) The person in charge shall ensure that appropriate assistance is given to residents who, due to infirmity or other causes, require such assistance with eating and drinking.

(5) The person in charge shall ensure that meals, collations and refreshments are available at such times as may reasonably be required by residents.

(6) The person in charge shall, so far as reasonable and practicable in the circumstances, provide adequate facilities for residents to prepare their own food and ensure that such facilities are safe for use by residents.

(7) The person in charge shall implement a comprehensive policy and guidelines for the monitoring and documentation of nutritional intake.

Part 6

THE RECORDS TO BE KEPT IN A DESIGNATED CENTRE

Provision of Information to Residents

21. (1) The registered provider shall produce a written guide (in these Regulations referred to as “the resident’s guide”) which shall include:

- (a) a summary of the statement of purpose;
- (b) the terms and conditions in respect of accommodation to be provided for residents;
- (c) a standard form of contract for the provision of services and facilities by the registered provider to residents;
- (d) the most recent inspection report;
- (e) a summary of the complaints procedure provided for in article 39; and
- (f) the address and telephone number of the Chief Inspector.

(2) The registered provider shall supply a copy of the resident’s guide to the Chief Inspector and the person in charge shall supply a copy to each resident.

(3) Without prejudice to any provisions in the Act the person in charge shall ensure each resident has access to information including, but not limited to, the information specified in these regulations, in an accessible format, appropriate to their individual needs, to assist in decision making.

(4) The registered provider shall ensure that a designated centre has written operational policies and procedures for the provision of information to residents.

Maintenance of Records

22. (1) The registered provider shall ensure that records listed under Schedule 3 (records in relation to residents) and Schedule 4 (general records) are:

- (i) maintained in a manner so as to ensure completeness, accuracy and ease of retrieval;
- (ii) kept up-to-date and in good order;
- (iii) kept in a safe and secure place;
- (iv) made available to the resident to whom the records refer; and
- (v) made available at all times for inspection and monitoring purposes under the Act.

(2) The registered provider shall ensure that the designated centre has written policies and procedures relating to the creation of, access to, retention of and destruction of records.

(3) Records kept under this article shall be retained for a period of not less than seven years after the resident to whom they relate ceases to be resident in the home.

(4) The registered provider shall ensure that all documentation of inspections relating to food safety, health and safety and fire inspections is maintained in the designated centre.

Directory of Residents

23. (1) The person in charge shall ensure that an up-to-date record of residents, called the “directory of residents”, is established and maintained in relation to every resident in a designated centre in an electronic or manual format and shall make available such information to inspectors as and when requested.

(2) The person in charge shall ensure that the directory of residents includes the information specified in Schedule 3 paragraph (3).

(3) Records kept under this article shall be retained for a period of not less than seven years after the resident to whom they relate ceases to be resident in the designated centre.

Staffing Records

24. (1) The person in charge shall ensure that there is kept in a safe and accessible place a record of:

- (a) the name, date of birth and details of position and dates of employment at the designated centre of each member of the nursing and ancillary staff;
- (b) details of the qualifications and a copy of the certificate of current registration of each member of the nursing staff employed; and
- (c) appropriate weekly duty rosters covering 24 hour periods.

(2) Records kept under this article shall be retained for a period of not less than seven years after the date on which they were created.

Medical Records

25. (1) The registered provider shall ensure that in every designated centre the following particulars are kept in a safe and accessible place 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) an adequate 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;
- (c) a medical record with details of investigations made, diagnoses and treatment given, and a record of all drugs and medicines prescribed, signed and dated by a medical practitioner;
- (d) a record of each drug and medicine administered giving the date of the prescription, dosage, name of the drug or medicine, method of administration, signed and dated by a medical practitioner and the nurse administering the drugs and medicines in accordance with any relevant professional guidelines;
- (e) a record of any occasion on which restraint is used, the nature of the restraint and its duration;
- (f) a record of any occasion where a resident refuses treatment; and
- (g) a record of any medication errors or adverse reactions in relation to each resident.

(2) Records kept under this article shall be retained for a period of not less than seven years after the resident to whom they relate ceases to be resident in the designated centre.

Part 7

THE EFFECTING BY REGISTERED PROVIDERS OF DESIGNATED CENTRES OF CONTRACTS
OF INSURANCE

Insurance Cover

26. (1) The registered provider shall ensure that the designated centre is adequately insured against accidents or injury to residents, staff and visitors.

(2) The registered provider shall ensure that insurance cover is put in place against loss or damage to the property of residents. The liability to any resident shall not exceed €1,000 for any one item except where the property was deposited by or on behalf of the resident expressly for safe custody with the

registered provider or some servant of them authorised, or appearing to be authorised if so required by the registered provider or that servant, in a container fastened or sealed by the depositor.

(3) The registered provider shall ensure that insurance cover is put in place against loss or damage to the assets and delivery of the service.

(4) The registered provider shall ensure that out-sourced providers are appropriately insured.

Part 8

THE MANAGEMENT AND CONTROL OF THE OPERATIONS OF A DESIGNATED CENTRE

Operating Policies and Procedures

27. (1) The registered provider shall ensure that the designated centre has all of the written and operational policies listed in Schedule 5.

(2) The registered provider shall ensure that all written operational policies and procedures of a designated centre are reviewed on the recommendation of the Chief Inspector and at least every three years and shall have due regard to any recommendations made by the Chief Inspector.

Contract for the Provision of Services

28. (1) The registered provider shall agree a contract with the resident within one month of the admission of that resident to the designated centre.

(2) Such contract shall deal with the care and welfare of the resident in the designated centre and shall include details of the services to be provided for that resident and the fees to be charged.

Temporary Absence and Discharge of Residents

29. (1) When a resident is temporarily absent from a designated centre for treatment at another designated centre, hospital or other place, 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 other place.

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

(3) The person in charge shall ensure that, insofar as practicable, residents are discharged from the centre in a planned and safe manner and discharges are discussed, planned for and agreed with the residents and, where appropriate, with their family and/or carer.

Health and Safety

30. The registered provider shall ensure that a designated centre has written operational policies and procedures relating to the health and safety, including food safety, of residents, staff and visitors.

Risk Management Procedures

31. (1) The registered provider shall ensure that the designated centre has a comprehensive written risk management policy in place and that it is implemented throughout the designated centre.

(2) The registered provider shall ensure that the risk management policy covers, but is not limited to, the following:

- (a) the identification and assessment of risks throughout the designated centre;
- (b) the precautions in place to control the risks identified;
- (c) the precautions in place to control the following specified risks:
 - (i) resident absent without leave;
 - (ii) assault;
 - (iii) accidental injury to residents or staff;
 - (iv) aggression and violence;
 - (v) self-harm; and
- (d) arrangements for the identification, recording, investigation and learning from serious or untoward incidents or adverse events involving residents.

(3) The registered provider shall ensure that there is an emergency plan in place for responding to emergencies.

(4) The registered provider shall:

- (a) take all reasonable measures to prevent accidents to any person in the designated centre and in the grounds of the designated centre;
- (b) ensure that handrails are provided in circulation areas and that grab-rails are provided in bath, shower and toilet areas;
- (c) ensure that handrails are on both sides of stair cases except where a stairlift is provided;
- (d) ensure that, where residents are maintained on two, or more, floors a lift is provided;
- (e) ensure that safe floor covering is provided; and

- (f) ensure staff are trained in the moving and handling of residents.

Fire Precautions and Records

32. (1) The registered provider shall:

- (a) take adequate precautions against the risk of fire, including the provision of suitable fire equipment;
- (b) provide adequate means of escape;
- (c) make adequate arrangements for:
 - (i) detecting, containing and extinguishing fires;
 - (ii) giving warnings of fires;
 - (iii) the evacuation, in the event of fire, of all persons in the designated centre and safe placement of residents;
 - (iv) the maintenance of all fire equipment;
 - (v) reviewing fire precautions, and testing fire equipment, at suitable intervals;
- (d) make arrangements for persons working at the designated centre to receive suitable training in fire prevention;
- (e) ensure, by means of fire drills and practices at suitable intervals, that the persons working at the designated centre and, insofar as is reasonably practicable, residents, are aware of the procedure to be followed in the case of fire, including the procedure for saving life; and
- (f) provide to the Chief Inspector together with the application for registration or renewal of registration, written confirmation from a competent person that all the requirements of the statutory fire authority have been complied with.

(2) In every designated centre there shall be kept in a safe and accessible place a record of:

- (a) all fire practices which take place at the designated centre;
- (b) all fire alarm tests carried out at the designated centre together with the result of any such test and the action taken to remedy defects; and
- (c) the number, type and maintenance record of fire-fighting equipment.

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

Ordering, Prescribing, Storing and Administration of Medicines

33. (1) The registered provider shall ensure that the designated centre has appropriate and suitable practices and written operational policies relating to the ordering, prescribing, storing and administration of medicines to residents. The person in charge shall ensure that staff are familiar with such policies and procedures.

(2) The registered provider shall ensure that there are suitable arrangements and appropriate procedures and written policies in accordance with current regulations, guidelines and legislation for the handling and disposal of unused or out of date medicines. The person in charge shall ensure that staff are familiar with such procedures and policies.

Volunteers

34. The person in charge shall ensure that volunteers working in a designated centre:

- (a) have their roles and responsibilities set out in a written agreement between the designated centre and the individual;
- (b) receive supervision and support; and
- (c) are vetted appropriate to their role and level of involvement in the designated centre.

Review of Quality and Safety of Care and Quality of Life

35. (1) The registered provider shall establish and maintain a system for:

- (a) reviewing the quality and safety of care provided to, and the quality of life of, residents in the designated centre at appropriate intervals; and
- (b) improving the quality of care provided at, and the quality of life of residents in, the designated centre.

(2) The registered provider shall make a report in respect of any review conducted by them for the purposes of article 35(1), and make a copy of the report available to residents and, if requested, to the Chief Inspector.

(3) The system referred to in article 35(1) shall provide for consultation with residents and their representatives.

Part 9

THE NOTIFICATION OF INCIDENTS OCCURRING IN DESIGNATED CENTRES

Notification of Incidents

36. (1) The person in charge shall maintain a record of all incidents occurring in the designated centre.

(2) The person in charge shall ensure that notice is given to the Chief Inspector without delay of the occurrence in the designated centre of:

- (a) the death of any resident under the age of 70 including the circumstances of the resident's death;
- (b) outbreaks of any infectious disease;
- (c) any serious injury to a resident;
- (d) any unexplained absence of a resident from the designated centre;
- (e) any allegation, suspected or confirmed abuse of any resident; and
- (f) any allegation of misconduct by the registered provider or any person who works in the designated centre.

(3) Any notice made in accordance with this article that is given orally shall be confirmed in writing within three working days of the occurrence of the incident.

(4) The person in charge shall ensure that a written report is provided to the Chief Inspector at the end of each quarter in the event of the occurrence in the designated centre of:

- (a) any recurring pattern of theft or reported burglary;
- (b) any accident;
- (c) any fire, or loss of power, heating or water;
- (d) any incident where evacuation of the designated centre took place; and
- (e) any other incident that the Chief Inspector may prescribe.

(5) Records kept under this article shall be retained for a period of not less than seven years after the incident to which they relate or the resident(s) to whom they relate cease(s) to be resident in the designated centre, whichever is longer.

Part 10

THE NOTIFICATION OF PERIODS WHEN THE PERSON IN CHARGE IS ABSENT FROM THE DESIGNATED CENTRE

Notification of periods when the Person in Charge is absent from a Designated Centre

37. (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 article 37(1) above 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 date of leaving and date of expected return.

(3) Where the absence arises as a result of an emergency, the registered provider shall give notice in writing to the Chief Inspector of the absence within three working days of its occurrence specifying the matters mentioned in article 37(1) above.

(4) The registered provider shall notify the Chief Inspector of the return to duty of the person in charge not later than three working days after the date of their return.

Part 11

THE NOTIFICATION OF THE PROCEDURES AND ARRANGEMENTS FOR PERIODS WHEN THE PERSON IN CHARGE IS ABSENT FROM THE DESIGNATED CENTRE

Notification of the procedures and arrangements for periods when the person in charge is absent from a Designated Centre

38. (1) Where the registered provider gives notice of the absence of the person in charge, from the designated centre under articles 37(1) or 37(2) above they shall give notice in writing to the Chief Inspector of the procedures and arrangements that will be in place for the management of the designated centre during their absence.

(2) The notice referred to in article 38(1) above shall specify:

- (a) the arrangements which have been or were made for the running of the designated centre during that absence;
- (b) in the case of the absence of the person in charge, 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, address and qualifications of the person who will be or was responsible for the designated centre during that absence.

Part 12

ARRANGEMENTS FOR DEALING WITH COMPLAINTS MADE BY OR ON BEHALF OF PERSONS SEEKING, RECEIVING OR HAVING RECEIVED ANY OF THE SERVICES PROVIDED THROUGH THE DESIGNATED CENTRES, AND TO PUBLICISE THE ARRANGEMENTS

Complaints Procedures

39. (1) The registered provider shall ensure that the designated centre has written operational policies and procedures relating to the making, 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.

(2) The complaints procedure shall contain an independent appeals process, the operation of which is included in the policies and procedures detailed in article 39(1) above.

(3) The registered provider shall ensure that each resident is made aware of the complaints procedure as soon as is practicable after admission.

(4) The registered provider shall ensure that the complaints procedure is displayed in a prominent position in the designated centre.

(5) The registered provider shall ensure that a nominated person is available in a designated centre to deal with all complaints.

(6) The registered provider shall ensure that all complaints are investigated promptly.

(7) The registered provider shall ensure that the nominated person maintains a record of all complaints detailing the investigation and outcome of the complaint and whether or not the resident was satisfied.

(8) The registered provider shall ensure that the complainant is informed promptly of the outcome of their complaint and details of the appeals process.

(9) The registered provider shall ensure that all complaints and the results of any investigations into the matters complained 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.

(10) The registered provider shall ensure that a nominated person, independent to the person nominated in article 39(5) above, is available in a designated centre to ensure that:

(a) all complaints are appropriately responded to; and

(b) the person nominated under article 39(5) above maintains the records specified under article 39(7).

(11) 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.

(12) Records kept under article 39 shall be retained for a period of not less than seven years after the complaint has been investigated and the complainant is informed of the outcome of, and of the outcome of any appeal arising from, this investigation or seven years after the resident(s) to whom they relate cease(s) to be resident in the home, whichever is the longer.

SCHEDULE 1

INFORMATION TO BE INCLUDED IN THE STATEMENT OF
PURPOSE

1. The name, address and telephone number of the designated centre.
2. The name and address of the registered provider and of any person in charge.
3. The current professional registration, relevant qualifications and experience of the registered provider and any person in charge.
4. The name and position of each other person participating in the management of the designated centre.
5. The registration number, date of registration and the expiry date.
6. Any conditions attached by the Chief Inspector to the designated centre's registration under *section 50* of the Act.
7. The maximum number of residents who can be accommodated in the designated centre.
8. The maximum number of residents who will be accommodated at the designated centre in accordance with the information provided by the applicant under the Health Act 2007 (Applications for Registration of Designated Centres) Regulations 2009.
9. The total staffing complement, in whole time equivalents, for the designated centre with the management and nursing complements given by grade.
10. The organisational structure of the designated centre.
11. The age-range and sex of the residents for whom it is intended that accommodation should be provided.
12. The range of needs that the designated centre is intended to meet.
13. The type of nursing care to be provided.
14. Any criteria used for admission to the designated centre, including the designated centre's policy and procedures (if any) for emergency admissions.
15. The arrangements for residents to engage in social activities, hobbies and leisure interests.
16. The arrangements made for consultation with residents about the operation of the designated centre.
17. The fire precautions and associated emergency procedures in the designated centre.

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

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

20. The arrangements made for dealing with complaints.

21. The arrangements made for dealing with reviews of the resident's plan referred to in article 8(1).

22. The number and size of rooms in the designated centre.

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

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

25. Any separate facilities for day care.

SCHEDULE 2

DOCUMENTS TO BE HELD IN RESPECT OF PERSONS MANAGING
OR WORKING AT A DESIGNATED CENTRE

1. Proof of the person's identity, including a recent photograph.
2. A copy of the person's birth certificate.
3. Evidence of Garda vetting.
4. Details of any criminal offences.
5. Details and documentary evidence of any relevant qualifications or accredited training of the person.
6. Relevant current registration status with professional bodies in respect of nursing and other health and social care professionals employed in the designated centre.
7. A full employment history, together with a satisfactory history of any gaps in employment.
8. Details of any previous experience (if any) of carrying on the business of a designated centre.
9. Three written references, including a reference from a person's most recent employer (if any) in a format specified by the Chief Inspector.
10. Evidence that the person is physically and mentally fit for the purposes of the work that they are to perform at the designated centre or, where it is impracticable for the person to obtain such evidence, a declaration signed by the person that they are so fit.

SCHEDULE 3

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

1. The resident's care plan referred to in article 8.
2. A recent photograph of the resident.
3. A record of the following matters in respect of each resident:
 - (a) the name, address, date of birth, sex, marital status, PPS number, ethnic or cultural background 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 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) the date on which the resident was discharged from the designated centre;
 - (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 is transferred;
 - (g) if the resident died at the designated centre, the date, time and cause of death;
 - (h) the name and address of any authority, organisation or other body, which arranged the resident's admission to the designated centre;
 - (i) a record of all medicines kept in the designated centre for the resident, and the dates and times on which they were administered to the resident;
 - (j) a record of any accident affecting the resident in the designated centre and of any other incident in the designated centre which is detrimental to the health or welfare of the resident, which record shall include the nature, date and time of the accident or incident, whether medical treatment was required and 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;
 - (k) a record of all nursing care provided to the resident, including a record of their condition and any treatment or surgical intervention;

- (l) details of any specialist communication needs of the resident and methods of communication that may be appropriate to the resident;
 - (m) details of any plan relating to the resident in respect of medication, nursing care, specialist health care or nutrition;
 - (n) a record of incidence of pressure sores and of treatment provided to the resident;
 - (o) a record of falls and of treatment provided to the resident;
 - (p) a record of any restraint used on the resident; and
 - (q) a record of any limitations agreed with the resident as to the resident's freedom of choice, liberty of movement and power to make decisions.
4. A copy of correspondence to or from the designated centre relating to each resident.

SCHEDULE 4

OTHER RECORDS TO BE KEPT IN A DESIGNATED CENTRE

1. A copy of the statement of purpose.
2. A copy of the resident's guide.
3. A record of all residents' accounts kept in the designated centre.
4. A copy of all inspection reports.
5. A record of all persons employed at the designated centre, including in respect of each person so employed:
 - (a) their full name, address, date of birth, qualifications and experience;
 - (b) a copy of their birth certificate and passport;
 - (c) a copy of each reference obtained in respect of them;
 - (d) the dates on which they commence and cease to be so employed;
 - (e) the position they hold at the designated centre, the work that they perform and the number of hours for which they are employed each week;
 - (f) correspondence, reports, records of disciplinary action and any other records in relation to their employment; and
 - (g) a record of current registration details of nursing staff.
6. A copy of the duty roster of persons working at the designated centre, and a record of whether the roster was actually worked.
7. 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.
8. A record of all money or other valuables deposited by a resident for safe-keeping or received on the resident's behalf, which—
 - (a) shall state 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
 - (b) shall include the written acknowledgement of the return of the money or valuables.

9. A record of furniture brought by a resident into the room occupied by them.

10. 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.

11. A record of any of the following events that occur in the designated centre:

- (a) any accident;
- (b) any outbreak of infectious disease in the designated centre;
- (c) any injury or illness;
- (d) any fire;
- (e) except where a record to which paragraph 13 refers is to be made, any occasion on which the fire alarm equipment is operated;
- (f) any theft or burglary;
- (g) any unexplained absence of a resident from the designated centre;
- (h) any allegation, suspected or confirmed abuse of any resident;
- (i) any allegation of misconduct by the registered provider or any person who works in the designated centre; and
- (j) any incident where evacuation of the centre took place.

12. 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.

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

14. A statement of the procedure to be followed in the event of a fire, or where a fire alarm is given.

15. A statement of the procedure to be followed in the event of accidents or in the event of a resident going missing.

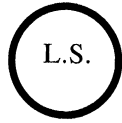
16. A record of all visitors to the designated centre, including the names of visitors.

SCHEDULE 5

POLICIES AND PROCEDURES TO BE MAINTAINED IN
DESIGNATED CENTRES

The registered provider shall ensure that the designated centre has written and operational policies and procedures on all of the items listed in this schedule:

1. The prevention, detection and response to abuse;
2. Residents' personal property and possessions;
3. Communication;
4. End of life care;
5. Recruitment, selection and vetting of staff;
6. Monitoring and documentation of nutritional intake;
7. Provision of information to residents;
8. The creation of, access to, retention of and destruction of records;
9. Health and safety, including food safety, of residents, staff and visitors;
10. Risk management;
11. The ordering, prescribing, storing and administration of medicines to residents;
12. The handling and disposal of unused or out of date medicines;
13. 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;
14. Missing persons;
15. Temporary absence and discharge of residents;
16. Emergencies;
17. Behaviour management; and
18. Admissions.



GIVEN under my Official Seal,
26 June 2009

MARY HARNEY,
Minister for Health and Children.

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. The Regulations contain requirements in relation to the maintenance, care, welfare and well-being of persons resident; the numbers, qualifications and availability of persons employed in a designated centre; the design, repair, cleaning and cleanliness, ventilation, heating and lighting of and the accommodation provided; the food provided for residents; the records to be kept; the insurance contracts to be effected; the management and control of the operation of; notification of incidents occurring; notification of periods when the person in charge is absent and the procedures and arrangements put in place for these periods; and the arrangements for dealing with complaints in a designated centre.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
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