



STATUTORY INSTRUMENTS.

S.I. No. 1 of 2025

HEALTH ACT 2007 (CARE AND WELFARE OF RESIDENTS IN
DESIGNATED CENTRES FOR OLDER PEOPLE) (AMENDMENT)
REGULATIONS 2025

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DESIGNATED CENTRES FOR OLDER PEOPLE) (AMENDMENT)
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I, STEPHEN DONNELLY, Minister for Health, 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:

1. (1) These Regulations may be cited as the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) (Amendment) Regulations 2025.

(2) The Principal Regulations, the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) (Amendment) Regulations 2016 (S.I. No. 293/2016), the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) (Amendment) Regulations 2017 (S.I. 428 of 2017), the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) (Amendment) Regulations 2022 (S.I. No. 628/2022) and these Regulations may be cited together as the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013 to 2025.

(3) These Regulations shall come into operation on 31 March 2025.

2. In these Regulations “Principal Regulations” means the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013 (S.I. 415 of 2013).

3. Regulation 2 of the Principal Regulations is amended by substituting for the definition of “family” the following:

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

4. Regulation 9 of the Principal Regulations is amended by substituting for paragraph (3)(c) the following:

- “(c) is facilitated to communicate freely and in particular have access to —
- (i) information about current affairs and local matters,
 - (ii) radio, television, newspapers, internet, and other media,

- (iii) telephone facilities, which may be accessed privately,
- (iv) voluntary groups, community resources and events.”.

5. Regulation 10 of the Principal Regulations is amended by substituting for paragraph (1) the following:

“(1) The registered provider shall ensure that a resident, who has communication difficulties is facilitated to communicate freely in accordance with the residents’ needs and ability.”.

6. The Principal Regulations are amended by substituting for Regulation 11 the following:

“11. (1) The registered provider shall ensure that the designated centre has a written visitor policy, to include the process for:

- (i) normal visitor access;
- (ii) access during an outbreak of a communicable disease, and epidemic or a pandemic;
- (iii) arrangements for residents to receive nominated support persons.

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

(3) 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,
- (c) on occasions when visiting is restricted, restrictions are in place for the shortest period possible and that during such times residents are facilitated to maintain communication and links with family, and
- (d) notwithstanding subparagraph (c), residents are supported to received visits from nominated support persons during an outbreak of a communicable disease, epidemic or pandemic

subject to any guidance published by appropriate national authorities in relation to infection prevention and control and outbreak management.”.

7. Regulation 13 of the Principal Regulations is amended in paragraph (1)(c) by deleting “and friends”.

8. The Principal Regulations are amended by substituting for Regulation 14 the following:

“14. (1) The registered provider shall ensure that the designated centre has –

- (a) a person in charge, and
- (b) a person who is able to deputise in the absence of the person in charge.

(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 up to two designated centres provided that 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 shall have, within 3 years of 31 March 2025 —

- (a) not less than 3 years’ experience in a nurse management role in the health and social care area, and
- (b) one of the following:
 - (i) a post registration management certificate in health or a related field at a minimum of Level 8 qualification on the National Framework of Qualifications, or
 - (ii) a nursing post-graduate qualification at a minimum of Level 9 on the National Framework of Qualifications which includes a management or leadership module,

- (c) paragraphs (a) and (b) shall not apply to a person in charge who is named on the register maintained by the Chief Inspector and/or availing of statutory leave from the position on 31 March 2025.

(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.

(8) In the absence of the person in charge, the person who will deputise for the person in charge shall be a registered nurse working in the designated centre with not less than 3 years' experience of nursing older persons within the previous 6 years.”.

9. Regulation 20(2) of the Principal Regulations is amended –

- (a) by inserting after subparagraph (b) the following:
“(c) how to access any inspection reports on the centre,”, and
- (b) by consequently re-numbering subparagraph (c) as subparagraph (d), subparagraph (d) as subparagraph (e), and subparagraph (e) as subparagraph (f).

10. The Principal Regulations are amended by substituting for Regulation 23 the following:

“23.(1) 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) there are deputising arrangements for key management roles in place;
- (d) management systems are in place to ensure that the service provided is safe, appropriate, consistent and effectively monitored;
- (e) 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;
- (f) the review referred to in subparagraph (e) is prepared in consultation with residents and their families;

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- (g) that a copy of the review referred to in subparagraph (e) is made available to residents and, if requested, to the Chief Inspector; and
- (h) that a quality improvement plan is developed and implemented to address issues highlighted by the review referred to in subparagraph (e).

(2) The registered provider shall ensure that effective arrangements are in place to facilitate staff to raise concerns about the quality and safety of the care and support provided to residents.”.

11. Regulation 25 of the Principal Regulations is amended in paragraph (4) by deleting “or carer”.

12. Regulation 26 of the Principal Regulations is amended in paragraph (1)

- - (a) by inserting after subparagraph (c)(v) the following:
“(vi) infectious diseases;”,
 - (b) by substituting for subparagraph (d) the following:
“(d) arrangements for the identification, recording and investigation of serious incidents or adverse events involving residents;”, and
 - (c) by inserting after subparagraph (d) the following:
“(e) a process for the implementation of actions and recommendations arising from subparagraph (d); and
 - (f) a process for the audit, review and learning from events.”.

13. The Principal Regulations are amended by substituting for Regulation 27 the following:

“27. The registered provider shall:

- (a) ensure that infection prevention and control procedures consistent with the standards published by the Authority are in place and are implemented by staff,
- (b) ensure guidance published by appropriate national authorities in relation to infection prevention and control and outbreak management is implemented in the designated centre, as required, and
- (c) ensure that staff receive suitable training on infection prevention and control.”.

14. Regulation 31 of the Principal Regulations is amended –
- (a) in paragraph (1) –
 - (i) by replacing “(j)” with “(i)”, and
 - (ii) by replacing “3 working days” with “2 working days”;
 - (b) in paragraph (3) by replacing “in paragraphs 7(2)(k) to (n)” with “in paragraphs 7(2)(a) to (e)”; and
 - (c) by inserting after paragraph (4) the following:
“(5) Reports required under paragraphs (1) or (3) shall be in accordance with guidance produced by the Chief Inspector.”.

15. Regulation 32 of the Principal Regulations is amended –
- (a) in paragraph (1) by replacing “28 days” with “42 days”; and
 - (b) in paragraph (3) by replacing “28 days” with “42 days”.

16. The Principal Regulations are amended by substituting for Regulation 33 the following:

“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 deputising arrangements that will be in place for the management of the designated centre during that absence up to a 6 month period of time.

(2) Where there is an expectation that the person in charge named on the register will return to their post, the registered provider may apply to the Chief Inspector for an extension of this arrangement for a further period not to exceed 6 months.

- (3) 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 deputising 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 deputising for the person in charge during that absence.”.

17. Schedule 1 to the Principal Regulations is amended by substituting for the matter set out at reference number 15 the following:

“15. The arrangements made for contact between residents and their family.”.

18. Schedule 4 to the Principal Regulations is amended by substituting for the matter set out at reference number 7 the following:

“7. Notifications under Regulation 31

1. The Chief Inspector shall be notified of the occurrence of any of the following events within 2 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, or event where an unplanned evacuation of the centre took place and where residents could not immediately return to the designated centre;
- (d) an outbreak of any notifiable disease;
- (e) any serious incident or injury to a resident that requires hospital admission or resulted in death;
- (f) any unexplained absence of a resident from the designated centre;
- (g) any incident of alleged or confirmed abuse of any resident;
- (h) any allegation of misconduct by the registered provider or by a member of staff;
- (i) any occasion where the registered provider became aware that the person in charge 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:

- (a) any occasion when restrictive practices were used including the type of restrictive practice used and the number of residents affected;
- (b) any occasion on which the fire alarm equipment is operated other than for the purpose of fire practice, drill or test of equipment;
- (c) a recurring pattern of theft or burglary;
- (d) any death, including cause of death, other than those specified in paragraph 1(a) above; and
- (e) such other adverse incident the Chief Inspector may require.”.

19. Schedule 5 to the Principal Regulations is amended by inserting after reference number 20 the following:

“21. Written visitor policy.”



L.S.

GIVEN under my Official Seal,
6 November, 2024.

STEPHEN DONNELLY,
Minister for Health.

EXPLANATORY NOTE

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

These Regulations amend the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013.

The objective of these Regulations is to strengthen existing requirements for designated centres and enhance the quality of care being provided to residents.

These Regulations may be cited as the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) 2013 to 2025.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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