

High Level Group on Business Regulation

Report of the Subgroup on Renewal of Nursing Home Registration

Introduction

In early 2012 the High Level Group on Business Regulation (HLG) agreed on priority issues to be investigated by eight subgroups as part of its 2012 work programme; the Small Firms Association (SFA) raised the issue of administrative burdens on nursing homes and this was agreed as a priority issue. Esther Lynch was then asked to investigate the administrative burden on nursing homes associated with registration and renewal of registration with the Health Information and Quality Authority (HIQA). In order to prepare this report relevant stakeholders were invited to meet Esther Lynch to discuss their views on the current regulatory system and associated administrative burden.

The SFA raised this issue on behalf of one its member organisations, Nursing Homes Ireland (NHI), which claims that the process for renewing registration of a designated centre for older people (hereafter ‘nursing home’) includes unnecessary administrative burdens because information already submitted to HIQA must be resubmitted. The Health Act 2007 requires that each designated centre must be registered with HIQA and that this registration must be renewed every three years. In order to ensure that nursing homes are fit to provide services to older people the registration process set out in the legislation requires information to be submitted to HIQA including applicant details, care centre details, facilities and services provided, as well as details of management and staff. The process and fact of registration confirms publicly and openly that the registered provider is fit and legally permitted to provide nursing home services.

The application is completed by an ‘applicant’ on behalf of the registered provider; if not the registered provider this person is nominated on behalf of the registered provider. The applicant should be a senior member of the organisation, e.g. director, partner or CEO, with sufficient authority to make decisions and implement changes recommended following an inspection. This person and all persons participating in the management of the designated centre must also satisfy the Chief Inspector of Social Services as to their fitness.

This report sets out to examine the administrative burden associated with renewal of registration and to make recommendations for reducing this burden. There are currently 451 private nursing homes on HIQA’s register and registrations will be renewed on a three yearly basis beginning in November 2012. Renewal of registration for these centres will fall over the next three years as follows: 2 in 2012, 59 in 2013, 243 in 2014 and 147 in 2015. There is therefore sufficient time to seek to amend the renewal of registration process before the majority of centres must renew their registration with HIQA.

The following organisations were invited to meet with Esther Lynch: Nursing Homes Ireland, the Department of Health, HIQA, Impact, the Irish Nurses and Midwives Organisation, the Irish Medical Organisation, the Health Service Executive and Age Action Ireland.

Meetings were held with:

- Nursing Homes Ireland: Tadhg Daly
- Department of Health: Geraldine Fitzpatrick, Patricia Lee, Dave Walsh - Services for Older People
- HIQA: Niall Byrne - Social Services Inspectorate
- Impact: Martin Bridgeman
- Irish Nurses and Midwives Organisation: Sheila Dickson
- Irish Medical Organisation: Dr Anthony Owens

Administrative burdens associated with renewal of nursing home registration

When examining the necessity of administrative burdens arising from regulation it is essential to keep in mind the aims of the particular regulation; in this case ensuring the safety and welfare of nursing home residents. Nursing home operators are required to comply with the relevant regulations intended to ensure provision of a safe and effective healthcare system in nursing homes; these regulations cover:

- rights, protection, quality of life and health and social care needs of residents
- staffing and the care environment
- management and governance.

HIQA has produced [National Quality Standards for Residential Care Settings for Older People in Ireland \(pdf\)](#) and also provides a [guide to the standards \(pdf\)](#) and a [leaflet on registration and inspection \(pdf\)](#). The relevant regulatory requirements are set out in the following legislation:

- [Health Act 2007](#)
- [Health Act 2007 \(Registration of Designated Centres for Older People\) Regulations 2009 \(pdf\)](#)
- [Health Act 2007 \(Care & Welfare of Residents in Designated Centres for Older People\) Regulations 2009 \(pdf\)](#)

Nursing homes are only allowed to operate if they are registered with HIQA; records maintained by nursing homes are used to assist HIQA with its inspections and to demonstrate that required standards are being met. HIQA inspections may be announced or unannounced and can take place during the week or at weekends at any time of day or night. The resultant inspection reports provide information to the residents themselves, their families and the general public about the standard of care in individual centres. HIQA operates a registration regime which means that nursing homes cannot operate unless registered. Nursing home operators once registered must maintain their compliance with the relevant regulations; HIQA carries out inspections of nursing homes to gather evidence of compliance in support of the registration regime. The [registers of residential centres for older people](#) and the [inspection reports](#) can be viewed on HIQA's website.

The requirement to 'register' arises from the Health Act 2007 and is set out in detail in the Health Act 2007 (Registration of Designated Centres for Older People) Regulations 2009 (SI No. 245 of 2009) and accompanying schedules:

- Schedule 1 sets out the information to be provided when applying for registration.
- Schedule 2 sets out the information to be submitted when applying for the renewal of registration.
- Schedule 3 sets out the information and documents to be provided in respect of registered providers and intended registered providers.

Initial registration and renewal of registration are both underpinned by administrative requirements set out in the above schedules; these administrative requirements or information obligations are intended to provide information to help ensure the safety and welfare of nursing home residents. However the current registration renewal system, grounded in the relevant legislation, is entirely paper based and requires resubmission to HIQA of information which may not have changed since initial registration as well as information which could not have changed. The resubmission of unchanged information that has been previously verified by HIQA constitutes an unnecessary administrative burden on nursing home operators.

NHI also raised the issue of inspection standards being interpreted differently in different regions and by different regulators, thus giving rise to inconsistent standards. For more information on this and other suggestions please contact Nursing Homes Ireland.

Recommendations for reducing administrative burdens

The fundamental principle underlying all of these recommendations is that there should be a clear relationship between the information requirements and the protection of the safety, welfare and dignity of the resident in the nursing home.

Long term

- 1) Completion of registration and renewal of registration should be possible online. The availability of online registration would significantly reduce the amount of time taken to complete renewal of registration as the relevant forms could be automatically prepopulated with information and supported by automatic prompts asking if information has changed (and if so, requesting provision of the necessary supporting information). Moving to an online registration system would have the extra benefit of facilitating improved risk analysis similar to that incorporated in Revenue's online systems. HIQA has expressed its desire to introduce an online system subject to resource availability.

Short term

- 2) Where operators have already established the accuracy of certain information and it **cannot change** the original proof should be accepted as still valid.
- 3) Where operators have already established the accuracy of certain information and it **has not changed** it should be possible to make a declaration to this effect and have the original proof accepted as still valid.
 - a. The consequences for a false declaration should be sufficiently severe as to be dissuasive.
 - b. To ensure resident safety certain information obligations must remain unaffected including requirements for
 - a current Garda vetting report
 - a recent photograph
 - relevant current registration status with a professional regulatory body
 - evidence that a person in charge or participating in the management of a designated centre for older people 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
- 4) It is recommended that HIQA consider generating more guidance for nursing home operators on compliance with relevant regulations and related standards (similar to that provided by the Health and Safety Authority). HIQA should consider working with other relevant bodies (e.g. local Fire Services and Environmental Health Officers) on guidance on standards and other regulatory requirements to assist operators and ensure respect for standards across different regulators.

Esther Lynch

October 2012

Schedules to the HEALTH ACT 2007 (REGISTRATION OF DESIGNATED CENTRES FOR OLDER PEOPLE) REGULATIONS 2009

SCHEDULE 1

Information to be submitted when applying for the registration of a designated centre

Information required

1. Applicant details

a. If the applicant is a natural person

- i. Name of applicant.
- ii. Address of applicant.
- iii. Contact telephone number and email address of applicant

b. If the applicant is a partnership

- i. Name of partnership.
- ii. Name and address of each partner.
- iii. Address of the principal place of business of the partnership.
- iv. Telephone number of the principal place of business of the partnership.
- v. Name of the partner responsible on behalf of the partnership for the application.
- vi. Contact telephone number and email address of the partner responsible on behalf of the partnership for the application.

c. If the applicant is a company

- i. Name of company.
- ii. Name of Chairperson.
- iii. Name of each other director.
- iv. Name of Secretary, Chief Executive or person in similar overall management position.
- v. Address of the principal place of business of the company.
- vi. Telephone number of the principal place of business of the company.
- vii. Name of the person responsible on behalf of the company for the application and his or her relationship with the company.
- viii. Contact telephone number and email address of person responsible on behalf of the company for the application.

d. If the applicant is a body established under the Health Acts 1947 to 2008 or the Health (Corporate Bodies) Act 1961

- i. Name of the person responsible on behalf of the body for the application and his or her role in relation to the designated centre.
- ii. Contact telephone number and email address of person responsible on behalf of the body for the application.

e. If the applicant is an unincorporated body

- i. Name of each member of the committee of management or other controlling authority of the body
- ii. Name of the manager of the body

2. Designated Centre Details

a. Name of the designated centre

b. Address of the designated centre

c. Telephone and fax numbers of the designated centre (if available)

d. Proposed date of establishment

e. State whether the applicant is the owner or the tenant of the premises at which the business of the designated centre is or will be carried on and, if the applicant is a tenant, state the name and address of the owner of the premises

f. Category of designated centre

- i. a designated centre to which paragraph (a)(iii) of the definition of “designated centre” in section 2 of the Act applies
- ii. a designated centre to which paragraph (b) of the definition of “designated centre” in section 2 of the Act applies.

g. State whether the designated centre is currently a designated centre carried on in accordance with section 69 of the Health Act 2007.

3. Purpose of Designated Centre

A copy of the statement of purpose compiled in accordance with article 5 of the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009.

4. Facilities and Services

- a. Description of the premises, including accommodation and whether the premises are purpose-built or have been converted for use as a designated centre.
- b. Statement of services to be provided at the designated centre.
- c. Arrangements for residents to engage in social activities and leisure interests.
- d. The maximum number of residents who, in the opinion of the applicant, can be accommodated at the designated centre.
- e. The maximum number of residents who will be accommodated at the centre.
- f. Summary of the complaints procedures.

5. Management and Staff Details

- a. Name of the person to be in charge of the designated centre and his or her relationship with the registered provider including all partners in a partnership and all members of the managing committee of an unincorporated body.
- b. Arrangements for the management of the designated centre when the person in charge of the centre is absent.
- c. Where the person to be in charge of the centre is, or is proposed to be, in charge of more than one centre, the name of the person who will be responsible for the management of the centre when the person in charge is not present at the centre.
- d. Name of each other person who will participate in the management of the designated centre.
- e. State the number of staff, full time equivalent and the positions they will hold.
- f. State whether the intended registered provider or any staff member will be resident at the designated centre.

SCHEDULE 2

Information to be submitted when applying for the renewal of registration of a designated centre

Information required

1. Registered Provider Details

- a. If the registered provider is a natural person
 - i. Name of Registered Provider.

- ii. Address of Registered Provider.
 - iii. Contact telephone number and email address.
 - b. If the registered provider is a partnership
 - i. Name of partnership.
 - ii. Name and address of each partner.
 - iii. Address of the principal place of business of the partnership.
 - iv. Telephone number of the principal place of business of the partnership.
 - v. Name of the partner responsible on behalf of the partnership for the application.
 - vi. Contact telephone number and email address of the partner responsible on behalf of the partnership for the application.
 - c. If the registered provider is a company
 - i. Name of company
 - ii. Name of Chairperson.
 - iii. Name of each other director.
 - iv. Name of Secretary, Chief Executive or person in similar overall management position.
 - v. Address of the principal place of business of the company.
 - vi. Telephone number of the principal place of business of the company.
 - vii. Name of the person responsible on behalf of the company for the application and his or her relationship with the company.
 - viii. Contact telephone number and email address of person responsible on behalf of the company for the application.
 - d. If the registered provider is a body established under the Health Acts 1947 to 2008 or a body established under the Health (Corporate Bodies) Act 1961
 - i. Name of the person responsible on behalf of the body for the application and his or her role in relation to the designated centre.
 - ii. Contact telephone number and email address of person responsible on behalf of the body for the application.
 - e. If the registered provider is an unincorporated body
 - i. Name of each member of the committee of management or other controlling authority of the body
 - ii. Name of the manager of the body
2. Designated Centre Details
- a. Name of the designated centre.
 - b. Address of the designated centre.
 - c. Telephone and fax numbers of the designated centre.
 - d. Date of establishment of designated centre.
 - e. Date and expiry date of current registration.
 - f. State whether the registered provider is the owner or the tenant of the premises at which the business of the designated centre is being carried on and, if the registered provider is a tenant, state the name and address of the owner of the premises
 - g. Category of designated centre
 - i. a designated centre to which paragraph (a)(iii) of the definition of “designated centre” in section 2 of the Act applies

- ii. a designated centre to which paragraph (b) of the definition of “designated centre” in section 2 of the Act applies.

3. Purpose of Designated Centre.

A copy of the statement of purpose compiled in accordance with article 5 of the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2009.

4. Facilities and Services

- a. Description of the premises, including accommodation, and whether the premises are purpose-built or have been converted for use as a designated centre.
- b. Statement of services provided at the designated centre.
- c. Arrangements for residents to engage in social activities and leisure interests.
- d. The maximum number of residents who, in the opinion of the applicant, can be accommodated at the designated centre.
- e. The maximum number of residents who will be accommodated at the centre.
- f. Summary of the complaints procedures.

5. Management and Staff Details

- a. Name of the person in charge of the designated centre and his or her relationship with the registered provider including all partners in a partnership and all members of a management committee of an unincorporated body.
- b. Arrangements for the management of the designated centre when the person in charge of the centre is absent.
- c. Where the person to be in charge of the centre is, or is proposed to be, in charge of more than one centre, the name of the person who will be responsible for the management of the centre when the person in charge is not present at the centre.
- d. Name of each other person who is participating in the management of the designated centre.
- e. State the number of full time equivalent staff and the positions they hold.
- f. State whether the registered provider or any staff member is/ will be resident at the designated centre.

SCHEDULE 3

Information and documents to be provided in respect of registered providers and intended registered providers of designated centres for older people

Information required in respect of a registered provider or intended registered provider where the registered provider or intended registered provider is a natural person, a partnership, a company or an unincorporated body.

1. Proof of identity
2. Garda vetting report(s).
3. Details of any previous experience of carrying on the business of a designated centre in Ireland or similar residential services outside of Ireland.
4. Any other such information is the chief inspection reasonably requires for the purposes of section 50 of the Act.

Information required in respect of a registered provider or intended registered provider where the registered provider or intended registered provider is a body established under the Health Acts 1947 to 2008 or a body established under the Health (Corporate Bodies) Act 1961.

1. Proof of identity of the person responsible on behalf of the body for the application.
2. Details of any previous experience by the body of carrying on the business of a designated centre
3. Any other such information is the chief inspection reasonably requires for the purposes of section 50 of the Act.

Information required in respect of the person in charge or proposed to be in charge and any other persons participating in or proposed to be participating in the management of a designated centre for older people.

1. Proof of the person's identity, including a recent photograph.
2. A copy of the person's birth certificate.
3. Garda vetting report.
4. Three written references, including a reference from a person's most recent employer (if any) in a format specified by the chief inspector.
5. Details and documentary evidence of any relevant qualifications or accredited training of the person.
6. Relevant current registration status with a professional regulatory body.
7. A full employment history, together with a satisfactory history of any gaps in employment.
8. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as reasonably practicable, verification of the reason why the employment or position ended.
9. 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.