



BERMUDA

RESIDENTIAL CARE HOMES AND NURSING HOMES REGULATIONS 2001

BR 33 / 2001

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The Minister of Health, in exercise of the power conferred on him under section 23 of the Residential Care Homes and Nursing Homes Act 1999, makes the following Regulations:

Citation and commencement

1 These Regulations may be cited as the Residential Care Homes and Nursing Homes Regulations 2001 and shall come into operation on the 1st day of July 2001.

Interpretation

2 In these Regulations—

“the Act” means the Residential Care Homes and Nursing Homes Act 1999;

“administrator” means the person who has responsibility for the day to day administration of a home;

“Chief Fire Officer” means the person who holds the public office of Chief Fire Officer pursuant to the provisions of the Bermuda Fire and Rescue Service Act 1982 and includes a person appointed to act in such office;

“nurse” means a person who is registered as a general or specialist nurse under the Nursing Act 1987;

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“nursing associate” means a person who is registered as a nursing associate under the Nursing Act 1997;

“operator” has the meaning given in section 2 of the Act;

“physician” means a person who is registered as a medical practitioner under the Medical Practitioners Act 1950;

“registered dietician” means a person who is registered as a dietician under the Professions Supplementary to Medicine Act 1973.

[Regulation 2 definition “Chief Fire Officer” inserted by 2014 : 33 s. 55 effective 1 January 2018; Regulation 2 definition “operator” revoked and substituted by 2017 : 50 s. 17 effective 12 January 2018]

Duty of operator to comply with Regulations

3 It shall be the duty of an operator to observe the requirements of these Regulations and to ensure that a home in respect of which he is the operator, complies with the requirements of these Regulations.

Application for a licence

4 An application for the licensing of a home shall be made in such form as the Minister may require.

[Regulation 4 amended by 2017 : 50 s. 17 effective 12 January 2018]

STAFFING

Administrators

5 (1) An operator of a home shall designate a person to be the administrator of the home, and shall notify the Minister of the administrator’s name.

(2) A person shall not be designated administrator of a home unless such person—

- (a) is at least 18 years of age;
- (b) is of good character;
- (c) has been certified by a physician to be in good physical and mental health and free from communicable diseases;
- (ca) has the appropriate health related or social service qualifications, taking into account the needs of the residents of the home;
- (d) has not less than three years current experience working with senior citizens or persons having disabilities; and
- (e) has adequate experience in management or has received adequate training in management.

[Regulation 5 para 2(a) amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001; Regulation 5 amended by 2017 : 50 s. 17 effective 12 January 2018]

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Deputy administrators

6 (1) An operator shall also designate a person to be the deputy administrator of a home, who shall act in the absence of the administrator, and shall notify the Minister of the deputy administrator's name.

(2) A person shall not be designated as a deputy administrator of a home unless such person—

- (a) is at least 18 years of age;
- (b) is of good character;
- (c) is certified by a physician to be in good physical and mental health and free from communicable diseases;
- (ca) has the appropriate health related or social service qualifications, taking into account the needs of the residents of the home;
- (d) has not less than one year's current experience working with senior citizens or persons having disabilities; and
- (e) has adequate experience in management or has received adequate training in management..

[Regulation 6 para 2(a) amended by 2001:20 s.7(1) & Sch 2 effective 1 November 2001; Regulation 6 amended by 2017 : 50 s. 17 effective 12 January 2018]

Medical consultant

7 An operator shall retain the services of a physician to advise on medical matters and review the home's programme of health care .

Nursing staff

8 (1) The operator of a residential care home shall employ on a full time basis a nurse or a nursing associate to be supervisor of care.

(2) The operator of a nursing home shall—

- (a) employ on a full time basis a nurse to be director of nursing services;
- (b) ensure that there shall be a nurse on duty at the home for not less than eight hours a day and a nurse on call for the rest of the time in each day.

Other staff

9 An operator shall ensure that every other employee who provides direct care to the residents in a home possess the following qualifications—

- (a) is at least eighteen years of age;
- (b) is of good character;
- (c) is certified by a physician, not more than thirty days prior to employment, to be in good physical and mental health, and free from communicable diseases;

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- (d) has received adequate training in basic first aid anti-choking and cardiopulmonary resuscitation ; and
- (e) has successfully completed a geriatric training course at the Bermuda College or has successfully completed an equivalent course at some other institution recognised by the Minister.

[Regulation 9(e) amended by 2017 : 50 s. 17 effective 12 January 2018]

Staffing ratio

10 (1) In a home where all residents are ambulatory and oriented as to time and place, the operator shall ensure that at all times the ratio of staff to residents shall be at least one staff member to every ten residents.

(2) The Minister may, where in all the circumstances of a particular home and having regard to the interest and needs of the residents, he considers it appropriate so to do, impose additional staffing requirements on a home.

(3) In determining the staff ratio account shall not be taken of—

- (a) part-time staff; or
- (b) other staff not directly involved in the provision of care to the residents.

[Regulation 10 paragraph (2) amended by 2017 : 50 s. 17 effective 12 January 2018]

FACILITIES

Dietary Requirements

11 (1) An operator, in determining the dietary requirements of residents in a home, shall take into account their nutritional, emotional, religious, cultural and therapeutic needs.

(2) In particular, the operator shall—

- (a) provide daily at least three meals that are nutritious and suited to the special needs of residents;
- (b) ensure that at all times there shall be available for emergency purposes at least two weeks' supply of food.

Sterilisation of utensils

12 (1) An operator shall ensure that a home shall be provided with such equipment as will ensure that all multi-use utensils and equipment used in the preparation, cooking and serving of food or drink can be thoroughly washed in hot water at temperatures of at least one hundred and ten degrees Fahrenheit.

(2) All such utensils and equipment shall be so washed after each use.

Food service personnel

13 An operator shall employ in the home an adequate number of food service personnel who are trained in safe food-handling practices.

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Dietitian

14 An operator shall employ in a home a registered dietitian who shall be responsible for planning and approving appropriate diets for the residents of the home.

Hygiene and comfort standards

15 An operator shall ensure that a home shall be kept weatherproof, dry, free of pests, adequately heated, ventilated and lighted, in a state of good repair and sanitation and in general safe, clean and comfortable for residents, to the satisfaction of the Minister.

[Regulation 15 amended by 2017 : 50 s. 17 effective 12 January 2018]

Housekeeping and laundry services

16 (1) An operator shall ensure that a home shall, on each floor and in each area where residents are accommodated, be equipped with one or more locked and vented closets fitted with a sink, shelves, and sufficient space for the purpose of storing housekeeping and cleaning utensils and supplies.

(2) An adequate supply of clean linen shall be provided to each resident whenever necessary and at least once per week.

(3) All laundry shall be handled in such a way as to minimize contamination, and in particular—

- (a) personal laundry of residents and personnel shall be collected, transported, sorted, washed, and dried in a sanitary manner, separate from bed linen; and
- (b) where feasible, arrangements shall be made so that residents who wish to do so shall have a safe and convenient place to wash and dry small amounts of personal laundry.

(4) Soiled linen shall be collected in such a manner as to avoid the contamination of the environment; and the following procedures shall apply—

- (a) soiled linen shall be taken to a designated dirty laundry storage area in closed hampers or bags;
- (b) soiled linen shall not be taken through a food storage or food preparation area;
- (c) soiled linen shall be kept separate from clean linen at all times;
- (d) separate and specific carts shall be used for the pick-up of soiled linen and the distribution of clean linen; and
- (e) soiled linen shall be kept in identifiable bags.

(5) Every laundry worker shall wear a distinctive uniform while doing laundry work, and shall not wear this uniform at any other time or while performing any other duty.

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Resident activities

17 (1) An operator shall, so far as practicable, ensure that there is a programme of activities and recreational opportunities available to residents in a home.

(2) An operator shall designate a staff member to be responsible for managing activities and supervising volunteers.

(3) Staff who provide recreational activities shall have such qualification and experience as the Minister considers appropriate.

Records

[Regulation 17 paragraph (3) amended by 2017 : 50 s. 17 effective 12 January 2018]

Medical records

18 (1) The operator of a residential care home shall record and keep current the following records in respect of each resident—

- (a) the name, address and telephone number of his physician and dentist;
- (b) the name, address and telephone number of his next of kin or other person who may be contacted in case of an emergency;
- (c) pre-admission evaluation of his condition and subsequent re-evaluation and all orders and recommendations for care;
- (d) all symptoms and other indications of illness or injury brought to the attention of the staff by him or from other sources, including the date, time and action taken regarding each such illness or injury.

(2) The operator of a nursing home shall record and keep current the following records in respect of each resident—

- (a) the name, address and telephone number of his physician and dentist;
- (b) the name, address and telephone number of his next of kin or other person who may be contacted in case of an emergency;
- (c) his functional status on admission;
- (d) his admission history and physical examination;
- (e) his existing medical condition;
- (f) his treatment and medication ;
- (g) physicians' progress notes on him ;
- (h) nurses' notes on him;
- (i) special examinations and reports on him;
- (j) reports and recommendations from physicians, social workers or other health care professionals regarding his care and treatment;
- (k) his date and time of discharge;

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- (l) his final diagnosis;
- (m) his condition on discharge;
- (n) date and time of his death.

(3) An operator shall preserve medical records for a period of not less than six years from the date of discharge or death of the resident to whom they relate; and shall make such records available for inspection by the Minister.

[Regulation 18 paragraph (3) amended by 2017 : 50 s. 17 effective 12 January 2018]

Other resident records

19 An operator shall record and keep current, the following records in respect of each resident which shall be made available for inspection by the Minister—

- (a) the resident's name;
- (b) the resident's age and sex;
- (c) the resident's social security number;
- (d) the date the resident was admitted;
- (e) the date the resident was discharged or the date of the resident's death;
- (f) the name, address, and telephone number of the resident's personal physician;
- (g) the name, address, and telephone number of the resident's next of kin or sponsor, if any;
- (h) the resident's religious affiliation, if any, and the name and telephone number of the resident's clergyman.

[Regulation 19 amended by 2017 : 50 s. 17 effective 12 January 2018]

Administrative records

20 An operator shall maintain records of the following matters which shall be made available for inspection by the Minister—

- (a) a report book in which emergencies and other unusual occurrences involving residents are recorded by the person on duty at the time of the occurrence;
- (b) contingency plans and procedures;
- (c) a list of current charges and fees for services; and
- (d) staff schedules.

[Regulation 20 amended by 2017 : 50 s. 17 effective 12 January 2018]

Annual statistical records

21 (1) An operator shall compile annual statistical records of the following matters—

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- (a) the total number of persons admitted to the home; and
- (b) the total number of persons discharged from the home.

(2) An operator shall provide the Minister with a copy of such record not later than 30 January in every year.

[Regulation 21 paragraph (2) amended by 2017 : 50 s. 17 effective 12 January 2018]

Quarterly record of occupancy levels

22 An operator shall keep a record of quarterly changes in a home's occupancy level and shall provide the Minister with a copy of such record as soon as practicable after the end of the quarter to which it relates.

[Regulation 22 amended by 2017 : 50 s. 17 effective 12 January 2018]

Personnel records

23 An operator shall keep the following records in respect of each person employed in the home—

- (a) his name and address;
- (b) his sex;
- (c) his social insurance number;
- (d) his current professional license or registration number, if any; and
- (e) particulars of his education, training, experience and places of previous employment.

Premises

Environmental requirements

24 (1) A home shall be located in an area which is free from noxious and hazardous smoke and fumes.

(2) Where possible, a home shall be located away from known sources of loud and irritating noises.

(3) A home shall be located away from hazardous surroundings including cliffs and bodies of water, except where suitable safety structures such as walls, fences and gates have been erected to provide for the safety of the residents.

Structural requirements

25 (1) A home on more than one level shall provide for the use of residents elevator access to other levels with resident facilities.

(2) All windows in a home shall be capable of being opened.

(3) All windows sills in rooms occupied by residents shall be no higher than three feet above the floor.

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Lighting

26 (1) A home and its lighting system shall be designed, equipped and maintained to avoid high brightness, highly reflective surfaces and glare.

(2) An operator shall provide such additional lighting as may be required by residents with visual impairment.

(3) Incandescent fixtures shall be equipped with at least sixty watt light bulbs.

(4) Night lights shall be provided in bathrooms, hallways and resident's bedrooms.

(5) Outside entrances shall be well-lit at all times when they are likely to be in use.

Water supply

27 (1) An operator shall ensure that there shall be no cross-connection between the potable water supply and other sources of water through which a safe supply might become contaminated.

(2) An adequate supply of hot water for the use of residents shall be provided at all times.

(3) The temperature of hot water at fixtures used by the residents shall not exceed one hundred and ten degrees Fahrenheit.

(4) A separate supply of hot water shall be provided for dish washing.

Heat and ventilation

28 (1) Heating and cooling systems shall be so located as to prevent drafts to residents.

(2) Every home shall be well ventilated through the use of windows, forced air or both.

(3) All cooking units shall be hooded and vented.

(4) Air filters shall be provided in all recirculating air systems and a record shall be kept of all maintenance, which shall include proper cleaning.

Architectural requirements

29 (1) A home shall be so equipped, furnished and maintained as to provide a comfortable, congenial, home-like setting for residents while providing the staff with a reasonable functional working environment.

(2) In particular a home shall have the following amenities—

(a) adequate community space comprising at least twenty-five square feet of space for each resident for social and recreational purposes, including a living room, a recreation room, and a dining room;

(b) adequate working space for staff, and areas exclusive and appropriate to their personal needs including a staff room, toilets and shower facilities;

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- (c) a secure outdoor area for use by residents, staff and visitors which shall be accessible from the ground floor level of the home without the use of ramps or steps.

Bedrooms

30 (1) Bedrooms shall be designed and equipped for the comfort and privacy of residents.

- (2) Each bedroom shall have at least one window, and egress to a hallway.
- (3) No bedroom shall be occupied by more than three residents.
- (4) In the case of—
 - (a) a single occupancy room, the minimum usable floor space shall be one hundred and twenty square feet; and
 - (b) a multi-occupancy room, the minimum usable floor space for each occupant shall be ninety square feet,

exclusive of closets, toilet rooms, wardrobes and vestibules.

(5) In the case of a single room or a double room, the minimum room dimensions, excluding toilets and closets, shall be ten feet by twelve feet.

(6) In the case of a multi-occupancy room, the minimum room dimension, excluding toilets and closets, shall be twelve feet by twelve feet.

- (7) A resident's bedroom shall be equipped with—
 - (a) a bed appropriate to the residents physical condition;
 - (b) a bedside table or cabinet with lockable storage space;
 - (c) individual reading lamp with at least a sixty watt bulb;
 - (d) a comfortable armchair; and
 - (e) suitable sufficient storage space for each resident's personal clothing and personal effects.

(8) There shall be at least three feet of space between beds and between beds and a heating source or window.

(9) In the case of a multi-occupancy room, there shall be provided to every resident who requests it, a flame-resistant washable bedside curtain or portable screen that completely conceals the bed to ensure privacy.

(10) In a home in which residents are given keys to their bedrooms, staff shall have access to duplicate keys for use in emergency situations and for regularly scheduled routine housekeeping.

Bathing and toilet facilities

31 (1) There shall be at least one wash-basin and one toilet for every four residents.

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(2) There shall be at least one bathtub for every six residents; and the tub shall be so designed as to accommodate a bath hoist.

(3) At least one bathroom shall be accessible to residents in wheelchairs.

(4) The minimum dimensions of any room containing only a toilet shall be three feet by six feet.

(5) Grab bars shall be installed in all toilets and bathrooms.

(6) All toilets and bathrooms shall be equipped with sturdily mounted handrails to provide adequate assistance to residents.

(7) Door fittings on toilets and bathrooms shall be of the type that operates from both the inside and outside.

(8) Doors to which residents have access shall be at least three feet wide.

(9) Staff shall not use toilets and bathrooms reserved for residents.

(10) In a home licensed for more than twenty residents, toilet facilities and wash basins shall be provided near the community space.

(11) The doors of toilets and bathrooms shall not open directly into any dining room, kitchen, pantry, food preparation room or storage room.

(12) Every wash-basin, shower unit and bathtub used by residents shall be equipped with a make of faucet that is simple to understand and easy to use.

(13) No spring-loaded or pressure-operated faucet shall be used on a wash-basin, shower or bathtub that is intended for use by a resident.

[Regulation 31 paragraph (10) amended by 2017 : 50 s. 17 effective 12 January 2018]

SAFETY

Exits

32 (1) An operator shall ensure that a home shall be provided with a sufficient number of exits to permit the prompt escape or evacuation of occupants in the event of a fire or other emergency in accordance with the provisions of the Fire Safety Act 2014.

(2) There shall be at least two exits from every home, which shall be so located as to minimize any risk of both exits being blocked by fire, smoke or fumes simultaneously.

(3) All exit and other doors used as means of escape shall be provided with pushbars or similar fittings which do not require the use of keys or special tools to operate; and no locks or fastenings shall be installed which may prevent free escape from a home or a patient's room.

(4) All exit doors shall open in line of exit travel.

(5) All exit ways shall remain clear and unobstructed and a minimum width of forty-four inches shall be maintained at all times.

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(6) No exit doors shall open directly to a flight of stairs or a landing that is less than the width of the door.

[Regulation 32 paragraph (1) amended by 2014 : 33 s. 55 effective 1 January 2018]

Exit sign

33 (1) Every exit from a home shall be clearly visible and marked with exit signs in accordance with the provisions of the Fire Safety Act 2014.

(2) Directional exit signs, where necessary, shall be provided to indicate the direction of travel to reach such exit.

[Regulation 33 paragraph (1) amended by 2014 : 33 s. 55 1 January 2018]

Emergency lighting

34 In every home, emergency lighting shall be provided and maintained for all exits, exit ways and community spaces.

Fire alarm system

35 In every home, adequate fire detection and alarm system shall be provided and maintained in accordance with the provisions of the Fire Safety Act 2014.

[Regulation 35 amended by 2014 : 33 s. 55 effective 1 January 2018]

Fire separation

36 (1) In every home, all vertical openings between floors shall be so enclosed and protected as to afford reasonable safety to the occupants while using exits and to prevent the spread of fire, smoke or fumes from floor to floor, in accordance with the provisions of the Fire Safety Act 2014.

(2) In every home, all exits and exit ways shall be adequately protected as to afford reasonable safety to the occupants using such exits or exit ways and to prevent the spread of fire, smoke or fumes.

[Regulation 36 paragraph (1) amended by 2014 : 33 s. 55 effective 1 January 2018]

Fire extinguishing equipment

37 Every home shall be provided with adequate fire extinguishing equipment clearly marked and so located as to be immediately accessible in accordance with the provisions of the Fire Safety Act 2014.

[Regulation 37 amended by 2014 : 33 s. 55 effective 1 January 2018]

Fire Procedure Rules

38 (1) An operator shall publish in a conspicuous place in a home rules approved by the Chief Fire Officer prescribing the action to be taken in the event of fire ("Fire Procedure Rules") and shall ensure that all employees are aware of the action to be taken by them in accordance with such rules in the event of a fire.

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(1A) Rules made under paragraph (1) shall comply with the provisions of the Fire Safety Act 2014.

(1B) The Statutory Instruments Act 1977 shall not apply with respect to Rules made under this regulation.

(2) Fire Procedure Rules shall include the following matters—

- (a) action to be taken on discovery of fire;
- (b) evacuation plan;
- (c) extinguishment of fire.

[Regulation 38 amended by 2014 : 33 s. 55 effective 1 January 2018]

Duty to take precautions to prevent fires

39 An operator shall, in accordance with the provisions of the Fire Safety Act 2014, take all reasonable precautions to prevent explosion or the spread of fire or smoke in a home, and shall ensure that exits and equipment, which are provided for the protection of the premises and its occupants from fire, are maintained in efficient condition and are readily available for use in the event of a fire.

[Regulation 39 amended by 2014 : 33 s. 55 effective 1 January 2018]

Instruction of employees in fire safety measures

40 Every operator shall ensure that every employee in the home is adequately instructed in precautions to be taken to prevent fire, explosion or spread of fire and smoke in a home and of the action to be taken by in accordance with the Fire Procedures Rules and the provisions of the Fire Safety Act 2014.

[Regulation 40 amended by 2014 : 33 s. 55 effective 1 January 2018]

Record to be kept

41 An operator shall keep a record in such form as may be approved by the Chief Fire Officer pursuant to section 40(1) of the Fire Safety Act 2014 in the home in which shall be recorded every fire drill, fire training session, test of fire alarm system and any outbreak of fire and each such entry shall be signed by the person conducting the drill, training session or testing of the fire alarm system or, in the case of an outbreak of fire, by the person in charge of the home at the time of the outbreak; and such a record shall be produced for inspection, upon request, by the Chief Fire Officer or any person authorised by him to make such request.

[Regulation 41 amended by 2014 : 33 s. 55 effective 1 January 2018]

Duty of employees to report fire

42 It shall be the duty of every person employed at a home to report immediately any outbreak or suspected outbreak of fire, by notifying the Fire Service.

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General safety and egress requirements.

- 43
- (1) Floors and stairways in a home shall have non-skid finishes and coverings.
 - (2) Handrails shall be installed on every stairway and ramp.
 - (3) Protective guards shall be placed around and over all heating devices.
 - (4) First aid supplies shall be provided in a place accessible to all staff responsible for the health and well-being of residents.

Contingency plan

- 44
- (1) A home shall have a written contingency plan for the proper and timely care of residents and casualties arising from internal or external disasters.
 - (2) The plan shall provide for the following matters—
 - (a) procedures for the orderly evacuation of all residents and employees from the premises due to any real or perceived threat.
 - (b) the assignment of personnel to specific tasks and responsibilities;
 - (c) instructions relating to the use of alarm systems and signals;
 - (d) information concerning methods of fire containment;
 - (e) information concerning the location of fire fighting and other emergency equipment;
 - (f) procedures for notification of appropriate emergency services and authorities;
 - (g) evacuation routes ;
 - (h) a plan of the interior of the building and the adjacent exterior driveways and roads;
 - (i) information on evacuation to shelters; and
 - (j) arrangements made for admission of injured to the hospital.
 - (3) The contingency plan shall be approved by the Minister and the Chief Fire Officer and shall be placed in conspicuous locations within the home.
 - (4) Evacuation drills shall be held at least once every six months.
 - (5) All staff at a home shall be required to familiarize themselves with the contingency plan.
 - (6) An operator shall provide for the continued operation of a home in the event of a disaster and shall make provision for—
 - (a) an emergency electrical power supply to ensure continuation of water supply, minimum lighting, refrigeration and the operation of cooking appliances;

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(b) availability of essential supplies including fuel, food, medical and supportive materials;

(c) the maintenance of communication outside the home.

(7) An operator shall draw up and have prepared a plan of action to be followed in the event of a labour dispute or action including slow-down, walk-out, mass resignation or, strike.

[Regulation 44 paragraph (3) deleted and substituted by 2014 : 33 s. 55 effective 1 January 2018; Regulation 44 paragraph (3) amended by 2017 : 50 s. 17 effective 12 January 2018]

Offences

45 Every operator who fails to comply with any duty imposed on him by regulation 3 commits an offence and is liable on summary conviction to a fine of \$10,000.

Dated this 15th day of June 2001.

Minister of Health

[Amended by:

2014 : 33

2017 : 50]