



**Health
Information
and Quality
Authority**

An tÚdarás Um Fhaisnéis
agus Cáilíocht Sláinte

Regulatory Notice

Definition of a Designated Centre

RN002/2013

*This Notice contains important information for Registered Providers
and Persons-in-Charge of Designated Centres for Older People.*

Definition of a Designated Centre

1. Introduction

This guidance sets out Section 2 of the Health Act, 2007 and can be used as a reference in assessing whether a centre is a 'designated centre' under the Health Act 2007, as amended.

2. Guidance

2.1 The Health Act

Section 2(1) of the Health Act 2007 defines a 'designated centre' as an institution -

(a) at which residential services are provided by the Executive, a service provider or a person that is not a service provider but who receives assistance under section 39 of the Health Act 2004 or under section 10 of the Child Care Act 1991 -

- (i) in accordance with the Child Care Act 1991,
- (ii) to persons with disabilities, in relation to their disabilities, or
- (iii) to other dependent persons, in relation to their dependencies,

or

(b) that is a nursing home as defined in section 2 of the Health (Nursing Homes) Act 1990.

Designated centres provided by the HSE and by "service providers" fall within the definition of designated centre given in Part (a) of the definition of a designated centre, while designated centres provided by the private and voluntary nursing home sector generally fall within the definition of designated centre given in Part (b) of the definition.

2.2 Criteria for Identification of a Designated Centre

A centre is a designated centre if:

- it provides residential services¹ to dependent persons² in relation to their dependencies, and
- the provider is the HSE, or
- the provider provides health or personal social services on behalf of the HSE³; or provides a service similar or ancillary to the HSE and receives assistance from the HSE; or
- it is a Nursing Home as defined in section 2 of the Health (Nursing Homes) Act 1990⁴?

¹ Residential services are daily supports and services provided in institutions, or part of institutions, where a dependent person resides, on a short or long term basis, whether or not it is their sole place of residence. This excludes private living arrangements, where people are living in their own home, either alone or sharing with others (i.e. the family home, a place which is owned outright by the person or rented by the person).

² 'Dependent Persons' means dependent people as defined in Section 1(1) of the Health (Nursing Homes) Act 1990 – 'a person who requires assistance with the activities of daily living such as dressing, eating, walking, washing and bathing by reason of (a) physical infirmity or a physical injury, defect or disease, or (b) mental infirmity'.

³ Services provided on behalf of the HSE are services provided in accordance with Section 38 of the Health Act 2004. Services similar or ancillary to the service provided by the HSE, which receive assistance from the HSE, are provided in accordance with Section 39 of the Health Act 2004.

⁴ Nursing Home is defined by Section 2 of the Health (Nursing Homes) Act 1990 as 'an institution for the care and maintenance of more than two dependent persons.'

2.3 What services are not designated centres?

A service **is not** a designated centre if it is:

- registered by the Mental Health Commission. A centre registered by the Mental Health Commission is defined in Section 62 of the Mental Health Act 2001 as 'a hospital or other in-patient facility for the care and treatment of persons suffering from mental illness or mental disorder'
- **that part** of an institution in which the **majority** of persons are being treated for acute illness or provided with palliative care
- an institution primarily used for the provision of education, cultural, recreational, leisure, social or physical activities
- an institution managed by or on behalf of a Minister of the Government
- a special care unit
- a children detention school as defined in section 3 of the Children Act 2001.

2.4 Registration of transition, intermediate, step-down and similar residential care services

The Chief Inspector of Social Services, as regulator, is of the view that private and voluntary nursing homes offering any type of intermediate, short-stay, respite or similar care services of a non-acute nature are required by law to fully register all aspects of their service under Part 8 of the Health Act, 2007, as amended.

Similarly, HSE services and services provided by service providers and other relevant persons offering any type of intermediate, short-stay, respite or similar care services of a non-acute nature are required by law to fully register all aspects of their service under Part 8 of the Health Act, 2007, as amended.

2.5 Determining a designated centre

In order to determine whether or not a centre is a designated centre or otherwise, please follow in detail each part of the definition paying particular attention to whether or not the centre fulfils the criteria for exemption contained in the Health Act 2007.

If you are unsure as to whether any or all of your service falls within the definition of a designated centre, please contact the Authority's Registration Office to discuss the matter. Contact details for the Registration office are:

Email: registration@hiqa.ie

Telephone: 021-2409340

3. References

Health Act 2007

Health (Nursing Homes) Act 1990

Mental Health Act 2001