

Mental Health

Cap. 45.

**MENTAL HEALTH (APPROVED HOMES)
REGULATIONS, 1991**

1991/66.

Authority: These regulations were made on 5th July, 1991 by the Minister under section 33 of the *Mental Health Act*.

Commencement: 15th July, 1991.

1. These Regulations may be cited as the *Mental Health (Approved Homes) Regulations, 1991*. Short title.

2. In these regulations

Interpre-
tation.

"authorised inspector" means the Chief Town Planner or a person duly authorised by him, the Chief Government Electrical Engineer or a duly authorised officer of the Government Electrical Department, the senior consultant psychiatrist, any Medical Officer of Health or Public Health Inspector, authorised by the Chief Medical Officer;

"Minister" means the Minister responsible for Health;

"occasional resident" means a person who received personal care regularly at an approved home in return for payment but is not provided with night time sleeping accommodation;

"resident" means a person who lodges, boards and receives personal care in an approved home in return for payment.

3. No person shall use or operate any premises as an approved home unless Certifica-
tion of
approved
homes.

(a) he has a valid certificate issued to him in respect of those premises, by the Minister in accordance with these regulations;

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- (b) the premises specified in the application have been approved by authorised inspectors as satisfying the following requirements
- (i) the premises are structurally sound and in a good state of repair,
 - (ii) the floor area of any room used for the accommodation of any bed is not less than 8.1 square metres and the space allotted for each bed is not less than 4.5 square metres,
 - (iii) the premises have an adequate supply of hot and cold running water and a sufficient number of wash basins, toilets, baths and suitable toilet facilities,
 - (iv) all rooms, passage ways and stairwells are suitably lighted,
 - (v) the premises are properly ventilated,
 - (vi) adequate precautions have been taken to prevent the occurrence of fire or other accident,
 - (vii) he has complied with any provision of the *Health Services (Building) Regulations, 1969* that the Chief Medical Officer considers necessary;
- (c) he has provided suitable and adequate indoor and out-door recreational facilities and a quiet room for the residents;
- (d) he has provided adequate professional, technical and other staff for the home as approved by the Chief Medical Officer;
- (e) he has made adequate provision to ensure that the premises are in a condition to provide suitable accommodation as an approved home, including
- (i) the provision of facilities and equipment to ensure the efficient and sanitary preparation and storage of

food, in accordance with the *Health Services (Food Hygiene) Regulations, 1969*, 1969/232.

(ii) the provision of suitable laundering facilities;

(f) he has obtained an insurance policy providing adequate coverage in respect of loss or damage to property and also in respect of public liability;

(g) he has made arrangements, approved by the Chief Medical Officer, for the safe storage and handling of drugs or any other article specified by the Chief Medical Officer.

4. (1) A person who desires to operate an approved home shall apply in writing to the Minister for a certificate to operate an approved home. Application for certificate.

(2) An application for a certificate shall contain

(a) the full name and address of the owner and the person in charge of the approved home;

(b) the location of the premises to be used as an approved home;

(c) a description of the premises to be used as an approved home including

(i) the size of the premises, the number of rooms and the purpose for which each room is to be used,

(ii) the type of accommodation to be provided;

(d) the number of beds for the accommodation of residents;

(e) the maximum number of persons to be accommodated at the premises;

(f) the categories of persons to be accommodated at the premises.

5. (1) On receipt of an application for a certificate to operate an approved home the Minister shall cause the premises intended to be used as an approved home to be inspected by authorised inspectors. Inspection of premises.

(2) An authorised inspector may at any reasonable time enter the premises and carry out such inspection as is authorised by the Chief Medical Officer.

(3) An authorised inspector shall, if required to do so, produce evidence of his authority to enter.

(4) No person shall obstruct or interfere with an authorised inspector in the performance of his duty under this regulation.

(5) An authorised inspector on completion of his inspection, shall issue a written report to the Chief Medical Officer indicating whether the premises are in a satisfactory condition and where the premises are not in a satisfactory condition, specifying what must be done to remedy that condition.

(6) The Minister shall inform the applicant of the results of the inspection.

Certificate.

6. (1) Where the Minister approves an application he shall issue a certificate to the applicant in accordance with these regulations.

(2) A certificate shall

(a) contain

(i) the name of the person to whom it is issued,

(ii) the location and description of the premises to which it relates,

(iii) a registration number, and

(iv) the maximum number of persons to be accommodated at the premises;

(b) be kept affixed in a conspicuous place on the premises of the approved home.

(3) A certificate is not transferable.

(4) A certificate unless withdrawn in the manner specified by regulation 7 is valid from the date of issue to the 31st day of December of the year during which the certificate was issued.

(5) A certificate may be renewed annually not later than the 31st day of January of each year.

7. (1) The Minister may suspend a certificate where the person to whom the certificate is issued

Suspension
and cancel-
lation of
certificate.

- (a) fails to keep the premises in a sanitary, safe and otherwise satisfactory condition;
- (b) engages in, permits or fails to take reasonable steps to prevent conduct which is likely to endanger the health, safety or well-being of residents or occasional residents;
- (c) has been notified that the cancellation of his certificate is being considered for alleged contraventions of the regulations or other misconduct.

(2) The Minister may cancel a certificate where

- (a) the person to whom that certificate has been issued has ceased to operate the premises to which it relates as an approved home;
- (b) a person whose certificate has been suspended and who has been required to comply with any regulation, fails within the period stipulated in the notice of suspension to comply with that regulation;
- (c) any circumstance exists which would have prevented the grant of a certificate;
- (d) the person to whom a certificate has been issued has been convicted of an offence under the *Mental Health Act* or these regulations or of an offence in respect of dishonesty.

(3) Where the Minister proposes to suspend a certificate, he shall give to the person to whom the certificate is issued notice in writing of the proposed suspension.

(4) A notice referred to in paragraph (3) shall

(a) specify the reason for the suspension; and

(b) contain a statement that the person in respect of whom the notice has been given may, not later than 30 days from the date on which the notice is given, submit to the Minister in writing reasons why the certificate should not be suspended.

(5) The Minister shall after the expiry of the 30 day period mentioned in paragraph (4) make a decision, taking into account the reasons submitted to him by the person to whom the certificate is issued, as to whether or not the certificate should be suspended.

(6) Where a certificate has been suspended in accordance with paragraph (1)(a) or (b), the Minister shall in writing

(a) notify the person whose certificate is suspended of the suspension and the period of suspension;

(b) require that person to comply within the period of suspension, with these regulations or any regulation made under the *Health Services Act*;

(c) notify the person whose certificate is suspended that he may appeal to a Judge in Chambers against the suspension.

(7) The Judge in the exercise of his authority may, with regard to an appeal referred to in paragraph (6)(c),

(a) dismiss the appeal;

(b) quash the suspension;

(c) vary the period of suspension; or

(d) impose such conditions as the court thinks fit.

(8) Where the Minister decides to cancel a certificate he shall give to the person to whom the certificate is issued, notice of the cancellation.

- (9) A notice in respect of a cancellation shall
- (a) specify the reason for the cancellation;
 - (b) specify the date when the cancellation takes effect; and
 - (c) contain a statement that the person to whom the notice has been given may appeal to a Judge in chambers not later than 30 days from the date on which the notice has been given.
- (10) Where an appeal is made under paragraph (9), the Judge in the exercise of his authority may
- (a) dismiss the appeal,
 - (b) quash the cancellation of a certificate, or
 - (c) substitute the suspension of a certificate for cancellation subject to such conditions as the court thinks fit.
- (11) The decision of the Judge under this regulation is final.
8. (1) The person in charge of an approved home shall
- (a) keep a register of every person employed at an approved home, containing information of the capacity in which each person is employed and his professional qualification;
 - (b) keep a register of all residents and occasional residents of the home containing the information specified in paragraph (2);
 - (c) keep such other records in respect of each resident or occasional resident as the Chief Medical Officer directs.
- (2) The register referred to in sub-paragraph (b) of paragraph (1) shall contain
- (a) the name, sex, age and home address of the resident or occasional resident;

Register
and
records.

- (b) the date of admission of the resident or occasional resident to the approved home;
- (c) the name of the person admitting the resident or occasional resident to the approved home;
- (d) the name and address of the person who has referred the resident or occasional resident to the approved home; and
- (e) the name and address of the next-of-kin or person responsible for the resident or occasional resident.

(3) A record or register required to be kept under these regulations shall be kept for a period of not less than 3 years after the person whom it concerns ceases to be a resident or occasional resident.

Entry and inspection of approved home.

9. (1) The Chief Medical Officer, the Senior Consultant Psychiatrist or anyone authorised by either of them or a Medical Officer of Health or Public Health Inspector may at any reasonable time, enter and inspect the premises of an approved home.

(2) The Chief Medical Officer or Senior Consultant Psychiatrist or a person authorised in writing by either of them may after giving not less than 24 hours notice to the person in charge of an approved home enter that home and may

- (a) examine or interview a resident or occasional resident of that home; or
- (b) inspect the registers or records required to be kept under these regulations.

(3) Notwithstanding paragraph (2), a notice shall not be required where there is an emergency or where in the interest of the welfare of the resident or occasional resident the notice should be dispensed with.

(4) A person in charge of an approved home shall on the request of a person referred to in paragraph (1) produce the register or record requested.

(5) No person shall prevent or obstruct a person referred to in paragraph (1) or (2) in the execution of his duties.

10. (1) No person shall be admitted to an approved home unless his admission is approved in writing by the Senior Consultant Psychiatrist. Admission to approved home.

(2) The Senior Consultant Psychiatrist shall not approve an admission unless he is satisfied

- (a) that the home to which a person is sought to be admitted is suitable to the personal and rehabilitative needs of that person;
- (b) the person seeking to be admitted to an approved home is, in the interest of public safety, a suitable person to be admitted to the home.

11. (1) Where the person in charge of an approved home considers that the behaviour of a resident or occasional resident is such that he ought not to continue to reside at that approved home, the person in charge of the home shall as soon as possible notify the Senior Consultant Psychiatrist of the person's intention to discontinue the residence at the approved home. Discontinuation of residence.

(2) The Senior Consultant Psychiatrist or a person authorised in writing by him shall within 72 hours of receiving a notice referred to in paragraph (1) examine the resident or occasional resident and shall determine whether the resident or occasional resident is in a condition to continue his residency or whether he should be transferred to a more appropriate place.

12. (1) Where a resident or occasional resident is found or is suspected to be suffering from an infectious or communicable disease the person in charge of the approved home shall immediately in writing notify the Senior Consultant Psychiatrist. Notification of disease.

(2) Where the Senior Consultant Psychiatrist has received a notice referred to in paragraph (1) he, or a medical officer authorised by him, shall examine the resident or occasional

resident referred to in that paragraph and may order the transfer of that resident or occasional resident to a hospital or other suitable place.

Removal
from
approved
home.

13. (1) Where the removal of a resident or occasional resident is desired otherwise than in pursuance of regulation 11 or 12 the person in charge of the approved home shall give not less than 1 month's notice in writing to that resident or occasional resident and to the Senior Consultant Psychiatrist of the discontinuance of the residence.

(2) Where the resident or occasional resident referred to in paragraph (1) is a minor, notice shall also be given to that minor's parent or guardian.

Notice of
death of
resident.

14. Where a resident or occasional resident dies at an approved home the person in charge of that home shall notify the Senior Consultant Psychiatrist in writing of the death of the resident or occasional resident not later than 24 hours after the death of that resident or occasional resident.

Offence.

15. A person who contravenes any of these regulations commits an offence and is liable on summary conviction to a fine of \$2 500 or to imprisonment for a term of 12 months or to both.

Exemption.

16. These regulations shall not apply to an approved home operated or directly controlled by the Ministry of Health.