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## **Nru. 177**

4. 11. 2016

### **MALTA**

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#### **KAMRA TAD-DEPUTATI**

#### **HOUSE OF REPRESENTATIVES**

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ABBOZZ ta' Liġi mressaq mill-Onorevoli Justyne Caruana, M.P., Segretarju Parlamentari għad-Drittijiet ta' Persuni b'Dizabilità u Anzjanità Attiva, f'isem il-Ministru għall-Familja u Solidarjetà Soċjali, u moqri għall-Ewwel darba fis-Seduta tal-24 ta' Ottubru, 2016.

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A BILL introduced by the Honourable Justyne Caruana, M.P., Parliamentary Secretary for Rights of Persons with Disability and Active Ageing, on behalf of the Minister for the Family and Social Solidarity, and read the First time at the Sitting of the 24th October, 2016.

**ATT biex jipprovdi għat-twaqqif ta' Awtorità li tkun magħrufa bħala l-Awtorità għal Djar ta' Persuni Anzjani (*Standards* ta' *Kwalità fil-Kura*) u sabiex dik l-Awtorità twettaq funzjonijiet regolatorji u sabiex jitwaqqfu *Standards* Minimi għal Djar ta' Kura u ta' Infermerija u biex jipprovdi għal ħwejjeg konnessi ma' dan jew ancillari għalih.**

**AN ACT to provide for the establishment of an Authority to be known as the Homes for Older Persons (Care Quality Standards) Authority and for the exercise by that Authority of regulatory functions and the establishment of the Minimum Standards for Care for Nursing Homes and to provide for matters connected therewith or ancillary thereto.**

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RAYMOND SCICLUNA  
*Skrivan tal-Kamra tad-Deputati*

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RAYMOND SCICLUNA  
*Clerk of the House of Representatives*



### Abbozz ta' Liġi msejjah

*ATT biex jipprovdi għat-twaqqif ta' Awtorità li tkun magħrufa bħala l-Awtorità għal Djar ta' Persuni Anzjani (Standards ta' Kwalità fil-Kura) u sabiex dik l-Awtorità twettaq funzjonijiet regolatorji u sabiex jitwaqqfu Standards Minimi għal Djar ta' Kura u ta' Infermerija u biex jipprovdi għal hwejjeġ konnessi ma' dan jew anċillari għalih.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità tal-istess, harget b'liġi dan li ġej:-

#### Taqsimi I

#### Preliminari

**1.** It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2016 dwar Awtorità għal Djar ta' Persuni Anzjani (*Standards ta' Kwalità fil-Kura*). Titlu fil-qosor.

**2.** (1) F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tkunx teħtieġ xort'ohra- Tifsir.

"Awtorità" tfisser l-Awtorità għal Djar ta' Persuni Anzjani (Standards ta' Kwalità fil-Kura), kif stabbilita taħt l-artikolu 6;

"*Chairperson*" tfisser iċ-*Chairperson* maħtur taħt l-artikolu 5;

"djar ta' kura u infermerija" tfisser faċilità residenzjali liċenzjata mill-iStat li tinkludi kmamar t'allogg u servizzi ta' kura tas-saħħa;

"fornitur liċenzjat ta' servizz" tfisser kull persuna jew

organizzazzjoni li tkun ingħatat liċenza valida mill-Awtorità biex topera djar ta' kura u infermerija għal persuni anzjani u biex tipprovdi servizzi anċillari;

"fornitur prospettiv ta' servizz" tfisser kull persuna li għandha l-intenzjoni li topera djar ta' kura u infermerija għal persuni anzjani u li tapplika għal liċenza mingħand l-Awtorità;

"kodiċi ta' prattika" tfisser kull *standard*, speċifikazzjoni jew xi forma ta' gwida prattika sew jekk miktuba jew impingija, istruzzjoni jew kontroll;

"Ministru" tfisser il-Ministru responsabbli għall-persuni anzjani u kura fit-tul;

"persuna" tinkludi riferenza għal persuna fiżika jew korp ta' persuni sew jekk dak il-korp ta' persuni għandu personalità ġuridika distinta jew xort'ohra, jew għall-korp magħqud stabbilit permezz ta' jew taht xi liġi;

"persuna legalment responsabbli" tfisser il-persuna li qiegħda tipprovdi servizz taht dan l-Att;

"preskritt" tfisser preskritt permezz ta' regolamenti magħmula taht dan l-Att;

"sena finanzjarja" tfisser perjodu ta' tmax-il xahar li jtemm fil-31 ta' Diċembru ta' kull sena kalendarja;

"servizz" tfisser kull servizz li qed jiġi pprovdut lill-utent tas-servizz fid-dar ta' kura u infermerija;

"standards" tfisser tfisser dawk il-htigiet mandatorji li jinħarġu mill-Awtorità lil provdituri to' servizzi skont id-dispożizzjonijiet ta' dan l-Att;

Kap. 490.

"Tribunal" tfisser it-Tribunal ta' Revizjoni Amministrattiva stabbilit bl-artikolu 5 tal-Att dwar il-Ġustizzja Amministrattiva;

"Uffiċjal Eżekuttiv Prinċipali" tfisser l-Uffiċjal Eżekuttiv Prinċipali mahtur taht l-artikolu 12;

"uffiċjal pubbliku" għandu jkollha l-istess tifsira mogħtija lilha fl-artikolu 124 tal-Kostituzzjoni ta' Malta;

"utent tas-servizz" tfisser kull persuna anzjana li qed tgħix ġewwa, jew li tiffrekwenta jew li b'xi mod tibbenifika jew tagħmel użu minn servizz offrut minn dar ta' kura u infermerija li hija regolata

permezz ta' dan l-Att jew xi regolament iehor magħmul taħt dan l-Att;

(2) Dan l-Att għandu japplika għal kull dar ta' kura u infermerija kemm pubblika kif ukoll privata, minbarra dawk il-facilitajiet *sui generis* kif spjegati, imfissra u inkluzi fl-*standards* minimi nnifishom.

## Taqsimu II

### Dikjarazzjoni ta' Principji

3. Il-Gvern għandu, bit-twaqqif tal-Awtorità, jara li jippromwovi u jiżviluppa r-regolamentazzjoni tal-kura, assistenza u l-provvista ta' servizzi f'Malta fid-djar ta' kura u infermerija minn entitajiet pubbliċi u privati u li jirregola l-kondotta tal-impjegati fil-kura fix-xogħol tagħhom ta' kuljum mal-persuni anzjani li jaħdmu magħhom.

Promozzjoni u regolamentazzjoni tal-kura.

4. Il-protezzjoni tal-persuni anzjani fid-djar ta' kura u infermerija għandha tkun ikkunsidrata ta' interess pubbliku.

Protezzjoni ta' persuni anzjani.

5. (1) L-Awtorità għandha tiddetermina l-politika nazzjonali, l-oġettivi u l-*standards* minimi li għandhom jintlaħqu mill-entitajiet privati u pubbliċi fit-twaqqif u fil-provvista ta' servizzi fid-djar ta' kura u infermerija. L-Awtorità għandha tiżgura li l-livelli ta' *standard* stabbiliti permezz ta' dan l-Att u permezz tar-regolamenti magħmula taħtu jiġu rispettati.

Principji li jirregolaw lill-Awtorità.

(2) L-Awtorità għandha tipprova tara illi:

(a) tiżviluppa *standards* regolatorji għall-provvista ta' servizzi u assistenza għall-persuni anzjani li għandhom bżonn il-kura, liema *standards* huma neċessarji, konsistenti u huma orjentati għall-bżonnijiet tal-konsumatur, effettivi u proporzjonali. Fl-iżvilupp u t-twaqqif ta' dawn l-*standards* regolatorji, dawn il-principji bażiċi li ġejjin għandhom f'kull hin jiġu rispettati:

(i) l-adozzjoni ta' approċċ li huwa ċċentrat mal-persuna każ b'każ fid-djar ta' infermerija, billi tingħata attenzjoni lill-htieġa ta' rikonoxximent lejn u konnessjoni mal-persuna filwaqt li jiffoka fuq il-qawwa u l-miri tar-residenti u ċ-ċentralità ta' relazzjonijiet interpersonali;

(ii) rispett lejn id-dritt tal-utent tas-servizz li jgħix b'dinjità u sigurtà;

(iii) is-sigurtà tad-dritt tal-utent tas-servizz li jkun hieles kompletament minn sfruttament, abbuż u diskriminazzjoni inkluż diskriminazzjoni bażata fuq l-età, sess, razza, orġini etnika, diżabilità, livell konjittiv, status ta' familja jew maritali, twemmin u orjentazzjoni sesswali;

(iv) rispett lejn il-privatezza tal-utent tas-servizz;

(v) il-provvista ta' kura meħtieġa mill-utent tas-servizz sabiex ir-resident jikseb saħħa fiżika u mentali ottimali, inklużi l-opportunitajiet u l-faċilitajiet kollha biex jippermettu lill-utent tas-servizz li jkompli jkun fiżikament u mentalment attiv, u li jzomm l-ghola livell ta' indipendenza possibbli;

(vi) li jiġi żgurat li l-utent tas-servizz ikun pprovdut b'opportunitajiet sabiex jikseb il-potenzjal kollu tiegħu permezz ta' aċċess faċli għal riżorsi soċjali, ta' rikreazzjoni, kulturali, edukattivi, produttivi u spiritwali;

(vii) il-protezzjoni tad-dritt tal-utent tas-servizz li jieħu deċiżjonijiet b'mod awtonomu u f'każ illi l-utent tas-servizz ma jkollux dik il-kapaċità, jiġi żgurat illi jkun fis-seħħ mekkaniżmu li jiffaċilita konsultazzjoni mar-rappreżentant legali awtorizzat qabel ma jittieħdu deċiżjonijiet li jinvolvu lill-utent tas-servizz;

(b) tassisti lill-fornituri tas-servizz liċenzjati biex jiksbu kwalità ogħla ta' servizz u filwaqt li jkunu qed jagħmlu dan għandhom jippruvaw jużaw metodi ta' infurzar pożittivi u kemm jista' jkun joqgħodu lura milli jużaw metodi ta' infurzar negattivi;

(ċ) tassisti fl-iżvilupp tal-kapaċità tal-fornituri tas-servizz liċenzjati biex jiksbu kwalità ogħla ta' kura għall-utenti tas-servizz;

(d) tinforza b'mod pro-attiv l-istandards u l-kondizzjonijiet imniżżla fil-liċenzi mahruġa mill-Awtorità lill-fornitur tas-servizz; u

(e) tiżgura li l-fornituri tas-servizz jagħtu l-kwalità massima possibbli ta' servizz, assistenza jew kura li tista' tingħata lill-persuna anzjana skont il-bżonnijiet tal-utent aħħari.

(3) L-Awtorità għandha tipprova tiżgura t-tiżgura olistiku tal-persuni anzjani kollha fid-djar ta' kura u infermerija kollha, inkluż it-

tishih fiziku, psikologiku u soċjali tal-persuni anzjani u li daww il-prinċipji huma salvagwardati minn kull min għandu obbligu li jagħmel dan.

(4) L-Awtorità għandha ttipprova tiżgura li l-livell ta' *standards* stabbiliti permezz ta' dan l-Att u r-regolamenti magħmula taht dan l-Att huma miżmuma f'kull hin.

### Taqsimha III

Twaqqif, Funzjonijiet u Tmexxija tal-Affarijiet tal-Awtorità

6. (1) Għandu jkun hemm Awtorità magħrufa bħala l-Awtorità għal Djar ta' Persuni Anzjani (*Standards* ta' Kwalità fil-Kura), li l-funzjonijiet tagħha għandhom ikunu t-twaqqif ta' *standards* regolatorji għad-djar ta' kura u infermerija għall-persuni anzjani u li tiżgura li daww l-*standards* jiġu debitament rispettati skont id-dispożizzjonijiet ta' dan l-Att.

Twaqqif u kompożizzjoni tal-Awtorità għal Djar ta' Persuni Anzjani (*Standards* ta' Kwalità fil-Kura).

(2) L-Awtorità għandha tikkonsisti minn seba' membri kollha appuntati mill-Ministru:

(a) *Chairperson*;

(b) id-Direttur tad-Dipartiment tal-Anzjanità Attiva u Kura fil-Komunità, *ex officio*, li għandu jaġixxi bħala *Vici Chairperson*;

(c) żewġ membri appuntati mill-Ministru, kompetenti fil-qasam tal-kura residenzjali, li jkunu nominati u, jew eletti minn provduri registrati ta' servizzi;

(d) il-Kummissarju għall-Anzjani, *ex officio*; u

(e) żewġ membri appuntati mill-Ministru li jirrappreżentaw l-interessi tar-reċipjenti tal-kura; dawn iż-żewġ membri għandhom jiġu nominati u, jew eletti mir-reċipjenti tal-kura.

(3) Il-Ministru għandu jappunta persuna biex taġixxi bħala Segretarju għall-Awtorità.

(4) Iċ-*Chairperson* u l-membri l-oħra tal-Awtorità għandhom jikkupaw il-kariga għal perjodu ta' hames snin, iżda l-membri hekk appuntati jistgħu jiġu appuntati mill-ġdid wara l-iskadenza tat-terminu tal-inkarigu tagħhom:

Izda l-ebda membru m'għandu jibqa' fil-kariga bħala

membru tal-Awtorità għal iktar minn żewġ termini konsekuttivi:

Iżda wkoll jekk membru jkun appuntat f'xi żmien wara li l-membri l-oħra kienu diġà ġew appuntati, it-terminu tal-nomina ta' dak il-membru għandu jiskadi fl-istess data tal-membri l-oħra.

(5) Persuna m'għandhiex tikkwalifika sabiex tokkupa l-kariga ta' membru tal-Awtorità jekk dik il-persuna:

- (a) hija Ministru jew Segretarju Parlamentari; jew
- (b) hija Mhalled jew Maġistrat tal-Qrati tal-Ġustizzja; jew
- (c) hija legalment inabilitata; jew
- (d) tkun ġiet iddikjarata falluta jew tkun għamlet kompożizzjoni jew arrangament mal-kredituri tagħha; jew
- (e) tkun instabet haġta ta' delitt kontra l-fiduċja pubblika jew ta' serq jew ta' frodi jew ta' korruzzjoni jew ta' *money laundering* jew ta' xi reat taħt dan l-Att jew leġislazzjoni oħra relattiva għall-abbuż fuq il-persuni anzjani; jew
- (f) għandha interess finanzjarju jew xi interess ieħor f'xi intrapriża jew attività li probabbilment jaffettwa t-tweġġ tal-funzjonijiet tagħha bħala membru tal-Awtorità:

Iżda l-Ministru jista' jiddetermina illi l-interess tal-persuna taħt dan il-paragrafu probabbilment mhux ser jaffettwa fit-tweġġ tal-funzjonijiet tagħha u meta jiġi hekk determinat għandha tikkwalifika sabiex tokkupa l-kariga ta' membru tal-Awtorità kemm il-darba l-interess iddikjarat u d-determinazzjoni tal-Ministru jiġu ppublikati fil-Gazzetta.

(6) Bla ħsara għad-dispożizzjonijiet ta' dan l-artikolu, il-kariga ta' membru tal-Awtorità għandha tiġi vakanti-

- (a) mal-iskadenza tat-terminu tal-kariga; jew
- (b) jekk jinholqu ċirkostanzi fejn, li kieku l-membru ma kienx membru tal-Awtorità, iwasslu lil membru tal-Awtorità sabiex jiġi skwalifikat minn dik il-ħatra.

(7) Iċ-*Chairperson* tal-Awtorità kif ukoll il-membri tal-Awtorità jistgħu jitneħħew mill-kariga mill-Ministru, jekk fl-opinjoni tal-Ministru, iċ-*Chairperson* jew il-membru mhumie x kapaċi jaqdu dmirijietom kemm jekk din l-inabilità tiġi minħabba mard tal-ġisem



jew tal-moħħ jew xi kawża oħra jew minhabba mgħiba ħazina jew jekk iċ-*Chairperson* jew il-membri mhumiex aktar adatti sabiex ikomplu fil-kariga.

(8) Jekk il-kariga taċ-*Chairperson* tal-Awtorità tiġi vakanti jew jekk għal xi raġuni iċ-*Chairperson* ma jkunx jista' jwettaq id-dmirijiet tal-kariga tiegħu, il-Ministru jista' jappunta persuna sabiex tagħxi bħala *Chairperson* temporanju tal-Awtorità, u kull persuna hekk appuntata għandha tieqaf milli tagħxi ta' *Chairperson* temporanju, meta persuna tiġi appuntata sabiex timla l-post vakanti, jew, skont il-każ, meta iċ-*Chairperson* li ma kienx jista' jwettaq id-dmirijiet tal-kariga tiegħu ikompli l-funzjonijiet tiegħu.

(9) Fit-tweqqif tal-funzjonijiet tagħha l-Awtorità m'għandhiex tkun soġġetta għad-direzzjoni jew kontroll ta' xi persuna jew awtorità oħra.

7. (1) L-Awtorità għandha tkun korp ġuridiku li jkollu personalità ġuridika distinta u għandha tkun kapaċi, bla ħsara għad-dispożizzjonijiet ta' dan l-Att, li tagħmel kull kuntratt, li takkwista, iżzomm u tiddisponi minn kull xorta ta' proprjetà għall-għanijiet tal-funzjonijiet tagħha, jew li tħarrek u li tiġi mharrka, u li tagħmel dawk l-affarijiet kollha u li tidhol f'dawk it-transazzjonijiet kollha li jkunu incidentali jew li jwasslu għall-eżerċizzju jew it-tweqqif tal-funzjonijiet tagħha taħt dan l-Att, inkluż is-self jew it-tisliet ta' flus.

Personalità  
ġuridika u  
rappreżentanza  
tal-Awtorità.

(2) Ir-rappreżentanza ġuridika tal-Awtorità għandha tkun vestita solidalment fiċ-*Chairperson* u fl-Uffiċjal Eżekuttiv Prinċipali:

Iżda l-Awtorità tista' taħtar lil xi wieħed jew aktar mill-membri tagħha jew mill-uffiċjali jew l-impjegati tal-Awtorità biex jidhru f'isem u minflok l-Awtorità fi proċedimenti ġudizzjarji kif ukoll f'kull att, kuntratt, strument jew dokument ieħor ikun liema jkun.

(3) Kull dokument li huwa ntiz bħala strument magħmul jew maħruġ mill-Awtorità u li jiġi ffirmat miċ-*Chairperson* jew mill-Uffiċjal Eżekuttiv Prinċipali għandu jiġi riċevut b'xiehda u għandu, sakemm ma jiġix ippruvat il-kuntrarju, jitqies li jkun strument magħmul jew maħruġ mill-Awtorità.

8. (1) L-Awtorità għandu jkollha dawn il-funzjonijiet li ġejjin:

Funzjonijiet tal-  
Awtorità.

(a) li tistabbilixxi l-*standards* regolatorji minimi għad-djar ta' kura u infermerija u l-infurzar ta' dawk l-*standards*, skont kif ikun neċessarju, sabiex tiżgura livelli ta' servizzi ta'

kwalità mogħtija lil persuni anzjani f'dawk l-istituzzjonijiet;

(b) li tistabbilixxi kriterji kif għandhom jingħataw, jiġu rifjutati, sospizi jew revokati liċenzi għal djar ta' kura u infermerija għal persuni anzjani;

(c) li tagħti, tirrifjuta, tissospendi jew tirrevoka liċenzi;

(d) li timplimenta d-dispożizzjonijiet ta' dan l-Att u tar-regolamenti jew ordnijiet magħmula tahtu;

(e) li tistabbilixxi strategiji li permezz tagħhom il-politika nazzjonali relatata mal-*standards* minimi, indikati lilha mill-Ministru, jistgħu jiġu implimentati;

(f) li tagħti pariri lill-Ministru rigward regolamenti sabiex jippromwovu, iżommu u jmantnu livell għoli ta' kura u infermerija fid-djar;

(g) li timmonitarja l-konformità mal-leġislazzjoni rilevanti u mal-*standards* minimi u li tiegħu azzjoni ta' infurzar;

(h) li tipprepara regolamenti jew Kodiċi ta' Prattika meħtieġa sabiex jippromovu, iżommu u jmantnu livell għoli ta' kura:

Iżda l-Awtorità tista' tappunta għal dan il-għan, kumitati u sottokumitati u tista' tagħzel persuni kompetenti, barra mis-shubija tagħha, fuq dawn il-kumitati u sottokumitati, li fl-opinjoni tal-Awtorità għandhom għarfien professjonali jew huma esperti fuq xi materja msemmija f'dan l-Att; hekk iżda li l-membri hekk magħzula m'għandux ikollhom vot fuq il-materja quddiem il-kumitat jew sottokumitat;

(i) li tippromwovi t-tixrid ta' informazzjoni rigward l-*standards* minimi għad-djar tal-kura u infermerija, u l-metodi meħtieġa biex jiżguraw iż-żamma tal-*standards* minimi u l-livelli relattivi tal-kura;

(j) li tippromwovi edukazzjoni u taħriġ fuq il-professjonijiet u attivitajiet relatati mal-kura;

(k) li tiġbor u tanalizza *data* u statistika dwar id-djar ta' kura u infermerija kif stipulat fl-*standards* minimi innifishom:

Iżda l-Awtorità tista' titlob *data* u informazzjoni fuq kull materja relatata mal-*standards* minimi u dik id-*data* u informazzjoni għandi tiġi pprovduta minnufih:

Iżda wkoll dik id-*data* u informazzjoni għandha tiġi meqjusa bħala li għiet mogħtija u riċevuta taħt l-obbligu tal-kunfidenzjalità;

(l) li żżomm reġistri ta' djar ta' kura u infermerija, professjonisti tal-kura u r-regolarizzazzjoni taż-żminijiet imposti għal kull dar ta' kura u infermerija liċenzjata;

(m) li twettaq kull investigazzjoni fuq kull materja li tikkonċerna l-*standards* minimi, inkluż iżda mhux limitat għal investigazzjoni ta' xi aċċident, korriment, marda jew mewt li jseħhu bħala riżultat jew minħabba xi assoċjazzjoni mal-*standards* minimi, kif ukoll investigazzjonijiet sabiex jaċċertaw il-livell ta' kura u l-*standards* provduti f'kull dar ta' kura u infermerija, u l-dmir tal-Awtorità li tiżgura l-infurzar ta' xi dispożizzjoni ta' dan l-Att m'għandux ikun raġuni li jeskludi t-twettiq ta' dawn l-investigazzjonijiet:

Iżda l-Awtorità tista' tappunta persuni kompetenti sa fejn possibbli mir-reġistru msemmi fil-paragrafu (u) sabiex jassistu f'xi investigazzjonijiet u sabiex jakkumpanjaw l-uffiċjali tagħha waqt investigazzjoni;

(n) li tippromwovi u twettaq riċerka xjentifika immirata sabiex ittejjeb l-*standards* minimi;

(o) li żżomm reġistri ta' persuni kompetenti sabiex jagħtu pariri fuq materji relatati mal-*standards*:

Iżda l-Awtorità tista' tiddetermina l-kwalifiki minimi meħtieġa qabel isem ta' persuna tista' tidhol fir-reġistru;

(p) li tagħmel, tadotta u tippubblika *standards*, fir-rigward ta' kull klassi, kategorija jew tip ta' servizzi ta' kura fit-tul li għandhom jiġu stabbiliti mill-Awtorità nnifisha;

(q) li tikkunsidra l-applikazzjonijiet kollha għal permessi biex tiġi operata dar ta' kura u infermerija u li toħroġ permessi għal dak il-għan;

(r) li tinforma l-pubbliku dwar suġġetti godda inklużi fil-programm tal-*standards* tagħha u fil-preparazzjoni u l-emendi tal-*standard*, sakemm dak l-*standard* ma jkunx identiku jew ekwivalenti għal traspożizzjoni ta' *standard* internazzjonali jew Ewropew. Din l-informazzjoni għandha tindika, b'mod partikolari, jekk l-*standard* ikkonċernat:

(i) huwiex ser jittrasponi *standard*

internazzjonali mingħajr ma huwa ekwivalenti;

(ii) huwiex *standard* ġdid;

(iii) huwiex ser jemenda *standard*;

(s) li tikkoopera ma' korpi Nazzjonali, Ewropej, Reġjonali jew korpi internazzjonali fil-qasam tal-istandardizzazzjoni tas-servizzi ta' kura u kura fit-tul u li generalment isir skambju ta' informazzjoni magħhom, u b'mod partikolari sa dak il-limitu kif jista' jkun previst fi kwalunkwe obbligu internazzjonali li Malta daħlet fih jew kif jista' jkun preskritt;

(t) li timponi kull multa jew miżura fuq kull fornitur liċenzjat ta' servizz;

(u) li żżomm regjistru ta' haddiema kkwalifikati fil-kura;  
u

(v) li twettaq dawk il-funzjonijiet l-oħra kollha li jistgħu ikunu assenjati lilha taħt id-dispożizzjonijiet ta' dan l-Att jew taħt xi liġi oħra.

(2) Il-poter mogħti lill-Awtorità li tagħmel, tadotta u tippubblika l-*standards* għandu jinftiehem bħala poter li jista' jiġi eżerċitat bl-istess mod sabiex tvarja, tissostitwixxi jew tirrevoka dak l-*standard*.

Laqgħat tal-Awtorità.

**9.** (1) Il-laqgħat tal-Awtorità jissejhu miċ-*Chairperson* kull darba li jkunu meħtieġa, iżda għall-inqas darba fix-xahar, jew fuq inizjattiva personali jew fuq talba ta' għall-inqas tnejn mill-membri l-oħra.

(2) L-Awtorità tista' taġixxi minkejja xi vakanza fost il-membri tagħha.

(3) Nofs l-għadd tal-membri għandhom jiformaw *quorum*. Id-deċiżjonijiet jittiehdu b'maġġoranza sempliċi tal-voti tal-membri presenti u li jivvotaw.

(4) Iċ-*Chairperson* għandu jkollu vot oriġinali u, f'każ ta' parità fil-voti, vot deċiżiv; fl-assenza taċ-*Chairperson*, il-Viċi *Chairperson* għandu jippresjedi l-laqgħa; il-Viċi *Chairperson* għandu jkollu l-istess drittijiet taċ-*Chairperson*.

(5) Membru tal-Awtorità li direttament jew indirettament huwa interessat f'deċiżjoni meħuda jew maħsuba li ssir mill-Awtorità

għandu jiżvela n-natura tal-interess fl-ewwel laqgħa tal-Awtorità wara li l-fatti rilevanti jkunu ġew għall-konozzenza tiegħu.

(6) Kwalunkwe żvelar li jkun sar taħt is-subartikolu (5) għandu jitniżżel fil-minuti tal-laqgħa u dak il-membru:

(a) m'għandux jieħu sehem fi kwalunkwe deliberazzjoni jew deċiżjoni tal-Awtorità fir-rigward ta' dik id-deliberazzjoni jew deċiżjoni wara li jkun żvela l-interess; u

(b) m'għandux jitqies għal fini ta' *quorum* tal-Awtorità għal dik id-deliberazzjoni jew deċiżjoni.

(7) Bla ħsara għad-disposizzjonijiet ta' dan l-Att l-Awtorità tista' tirregola l-proċedura tagħha nnifisha.

(8) L-Awtorità għandu jkollha s-setgħa li tikkonsulta professjonisti jew persuni oħra li għandhom l-għarfien u l-esperjenza fil-qasam tas-servizzi tal-ħarsien soċjali.

(9) Fit-twettiq tal-funzjonijiet tagħha, l-Awtorità tista', fir-rigward ta' kull materja li taqa' taħt id-dispożizzjonijiet ta' dan l-Att, titlob lil kull persuna li tipprova kwalunkwe informazzjoni u tipproduċi kwalunkwe dokumentazzjoni.

(10) Il-membri tal-Awtorità, is-Segretarju tal-Awtorità u kull persuna impjegata mal-Awtorità għandhom ikunu marbuta b'kunfidenzjalità u m'għandhomx jiżvelaw lil terzi persuni kwalunkwe informazzjoni li tista' tkun giet għall-għarfien tagħhom waqt it-twettiq ta' dmirijiet, sakemm ma jkunux meħtieġa li jagħmlu dan mill-Qorti.

(11) L-Awtorità għandha tqiegħed fuq il-mejda tal-Kamra tad-Deputati rapport annwali tal-attivitajiet kollha tagħha tas-sena kalendarja preċedenti sa mhux iktar tard mill-15 ta' April ta' kull sena.

**10.** Il-lista tal-*standards* hija stabbilita fl-Iskeda I u kull emenda għal-lista tal-*standards* tista' ssir permezz ta' regolamenti magħmula mill-Ministru wara li jikkonsulta mal-Awtorità.

Publikazzjoni tal-*standards*.

**11.** Bla ħsara għad-dispożizzjonijiet ta' dan l-Att jew xi liġi oħra, il-lista tal-*standards* fl-Iskeda I jew xi emendi tagħha mill-Awtorità jistgħu jsiru, jiġu ppublikati, preskritti jew disponibbli għall-pubbliku bil-lingwa Ingliża biss.

Lingwa tal-iskedi.

**12.** (1) Bla ħsara għad-dispożizzjonijiet l-oħra ta' dan l-Att l-affarijiet u x-xogħol tal-Awtorità għandhom ikunu r-responsabbiltà

Tmexxija tal-affarijiet tal-Awtorità.

tal-Awtorità nnifisha iżda salv kif hawn aktar qabel imsemmi, it-mexxija eżekuttiva tal-Awtorità, l-amministrazzjoni u l-organizzazzjoni tagħha u l-kontroll amministrattiv tal-uffiċjali u l-impjegati tagħha, jkunu r-responsabbiltà taç-*Chairperson* tal-Awtorità, li barra minn dawk ir-responsabbiltajiet preskritti mil-liġi, għandu jkollu wkoll dawk il-poteri l-oħra li jistgħu minn żmien għal żmien jiġu lilu delegati mill-Awtorità.

(2) L-Awtorità għandha tistabbilixxi l-istrutturi neċessarji kif xieraq, u li jingħataw dawk is-setgħat u r-responsabbiltajiet li tista' tiddeċiedi li tagħtihom u li tista' tibdel minn żmien għal żmien kif jidrilha li xieraq.

(3) L-Awtorità għandha teżercita l-funzjonijiet tagħha permezz tal-istruttura hekk stabbilita u sugġett għas-sorveljanza u l-kontroll totali taç-*Chairperson*, u għal dan il-għan għandha tvesti f'dik l-istruttura dawk il-funzjonijiet tagħha li jirrelataw jew huma anċillari għal dawk l-affarijiet li hija responsabbli, sabiex dik l-istruttura tkun tista' tagħti seħħ lill-*policies* tal-Awtorità u biex xort'oħra jkunu jistgħu jwettqu b'mod effettiv u effiċjenti l-funzjonijiet tal-Awtorità fl-isfera rispettiva tal-operat tagħha.

(4) L-istruttura hekk stabbilita għandha titmexxa minn Uffiċjal Kap Eżekuttiv li jista' jkun sew uffiċjal pubbliku assenjat biex iwettaq dmirijietu mal-Awtorità jew impjegat tal-Awtorità, jew persuna assenjata biex taħdem mal-Awtorità skont ftehim bejn l-Awtorità u intrapriża pubblika jew privata:

Iżda dik il-persuna għandu jkollha esperjenza jew konoxxenza adegwati fl-isfera rispettiva tal-operat.

(5) L-Awtorità tista' teżercita xi wieħed jew iktar mill-funzjonijiet tagħha kemm direttament kemm permezz tal-uffiċjali jew impjegati tagħha jew permezz ta' aġenzija li tkun awtorizzata għal dak il-għan, jew permezz ta' kuntrattur jew persuna oħra li magħhom isir ftehim għat-twettiq ta' xi waħda jew iktar minn dawk il-funzjonijiet:

Iżda ebda haġa f'dan is-subartikolu ma għandha tawtorizza lill-Awtorità sabiex tagħti b'kuntratt xi funzjonijiet regolatorji jew ta' liċenzjar tagħha.

(6) Meta f'dan l-Att xi haġa jkollha ssir minn jew kontra jew għar-rigward tal-Awtorità, jew xi avviz ikollu jingħata jew jista' jingħata lill-Awtorità, kull haġa jew avviz simili jistgħu wkoll jintgħamlu minn jew kontra jew għar-rigward ta' jew jingħataw lill-istruttura li l-haġa tkun taqa' taħt il-gurisdizzjoni tagħhom minhabba

f'xi delega ta' funzjoni lilhom; u għall-għanijiet hawn aktar qabel imsemmija kull riferenza f'dan l-Att għall-Awtorità tinkludi riferenza għall-istruttura idoneja.

(7) Iċ-*Chairperson* ikun responsabbli għall-implimentazzjoni tal-għanijiet tal-Awtorità fl-eżerċizzju tal-funzjonijiet tagħha u mingħajr preġudizzju għall-ġeneralità ta' dak hawn aktar qabel imsemmi huwa għandu:

(a) iwassal lill-Awtorità sabiex tissodisfa l-obbligi tagħha skont il-liġi;

(b) jistabbilixxi direzzjoni strateġika għall-Awtorità;

(c) jizgura li jkun hemm struttura organizzativa tajba f'potha sabiex twassal l-obbligi tagħha skont il-liġi u l-implimentazzjoni tal-istrateġiji kif imfassla mill-Awtorità;

(d) jizgura li d-deċiżjonijiet meħuda mill-Awtorità jigu mwettqa tajjeb mill-istrutturi tal-Awtorità;

(8) Qabel jamministra l-atti li ġejjin, iċ-*Chairperson* għandu jara li jigu sanzjonati mill-maġġoranza tal-membri tal-Awtorità:

(a) is-sospensjoni jew ir-revoka ta' xi liċenza; jew

(b) it-tibdil fil-patti u kondizzjonijiet ta' fornitur ta' servizz liċenzjat:

Izda, sabiex jassisti iċ-*Chairperson* fl-eżekuzzjoni ta' dawn il-funzjonijiet, l-Awtorità tista', wara konsultazzjoni mal-Ministru, taħtar Uffiċjal Eżekuttiv Principali sabiex jassisti liċ-*Chairperson* fl-organizzazzjoni tal-istrutturi u l-kontroll amministrattiv tal-uffiċjali tagħha għandu jaqa' taħt ir-responsabbiltà tal-Kap Eżekuttiv Principali, li għandu jkollu dawk is-setgħat li iċ-*Chairperson* jista' minn żmien għal żmien jiddelega lilu.

(9) F' każijiet ta' urġenza, iċ-*Chairperson* jista' jordna li jsiru spezzjonijiet f'xi sit fejn huwa maħsub li servizz li qed jiġi pprovdut huwa ta' preġudizzju jew ta' ħsara għall-utent tas-servizz:

Izda fit-tweqqi ta' din il-funzjoni, iċ-*Chairperson* jista' jitlob l-assistenza tal-Pulizija Eżekuttiva sabiex jitwettqu dawk l-ispezzjonijiet.

(10) Meta r-rizultati ta' spezzjoni urġenti li tkun saret skont is-subartikolu (9) ikunu pożittivi, iċ-*Chairperson* għandu jew:

(a) jirrapporta dawk is-sejbiet lill-Kummissarju tal-Pulizija; jew

(b) iressaq l-materja quddiem l-Awtorità fi żmien tlett ijiem tax-xogħol sabiex tiddeċiedi dwar azzjoni.

(11) L-Awtorità għandha titratta kull talba relatata mal-liċenzjar ta' djar ta' kura u infermerija u s-servizzi relattivi u lmenti dwar is-servizz jew it-tmexxija tal-fornitur tas-servizz.

(12) Fit-twettiq ta' xi waħda mill-funzjonijiet tagħha l-Awtorità tista' titlob l-assistenza tal-Pulizija Eżekuttiva fejn ikun neċessarju.

#### Taqsim IV

##### Liċenzjar

**13.** (1) L-ebda persuna m'għandha tuża xi sit bħala dar għall-persuni anzjani u djar ta' infermerija jew xi stabbiliment ieħor simili użat bħala dar għal persuni anzjani jew istituzzjoni użata bħala dar għal persuni anzjani, bi kwalunkwe isem imsejha, sakemm ma jkunx hemm liċenza valida fir-rigward ta' dak is-sit mahruġa mill-Awtorità għal dak il-għan u l-ebda persuna ma tista' tiftaħ jew tkompli xi stabbiliment jew istituzzjoni għal xi wiehed mill-għanijiet aktar 'il fuq imsemmija sakemm ma jkunx fil-pussess ta' liċenza valida għal dak il-għan mahruġa mill-Awtorità.

(2) L-ebda liċenza m'għandha tingħata jew tiġġedded taht is-subartikolu (1) jekk is-sit, it-tagħmir u l-faċilitajiet kif ukoll il-persunal, sew jekk mediku jew xort'oħra, m'humiex tali li jipprovdu dak l-istandard ta' kura medika jew servizz li l-Awtorità tqis li huwa sodisfaċenti.

(3) L-Awtorità tista', meta taqti jew iġedded xi liċenza taht is-subartikolu (1), timponi kull kondizzjoni li tqis li hija xierqa u tista' tirrestringi s-servizz jew l-attivitajiet li jistgħu jigu pprovduti jew mwettqa fis-sit liċenzjat.

(4) Meta xi siti jintużaw jew isiru xi atti b'kontravvenzjoni ta' xi kondizzjoni jew restrizzjoni li jinsabu fil-liċenza mogħtija jew imġedda taht is-subartikolu (1), dak is-sit li ntuża hekk u kull att hekk magħmul għandhom jitqiesu li ntużaw u saru mingħajr il-liċenza meħtieġa skont dan l-artikolu.

(5) Kull liċenza mogħtija taht is-subartikolu (1) għandha tiskadi fil-31 ta' Diċembru ta' dik is-sena li fiha tkun haġġet iżda tista' tiġi mġedda mill-Awtorità minn sena għal sena. Dik il-liċenza għandha tiskadi wkoll jekk ikun hemm dikjarazzjoni ta' htija taht it-



## Taqsim IX.

**14.** (1) Fornitur prospettiv tas-servizz jista' japplika għand l-Awtorità, fil-forma preskritta, sabiex jingħata liċenza biex jopera dar ta' kura jew infermerija għall-persuni anzjani.

Sottomissjoni u eżami tal-applikazzjoni biex topera dar ta' kura jew infermerija għall-persuni anzjani.

(2) Meta applikazzjoni għal liċenza tkun riċevuta skont is-subartikolu (1) l-Awtorità għandha tispezzjona s-sit sabiex tiżgura li s-sit huwa xieraq għall-użu bħala dar ta' kura jew infermerija skont l-*standards* minimi stabbiliti fit-Tieni Skeda.

(3) L-Awtorità tista' f'kull hin waqt l-ipproċessar tal-applikazzjoni, titlob lill-fornitur prospettiv tas-servizz sabiex jipprovdi kull dokument jew informazzjoni li tqis neċessarji u għandha żżur is-sit li huwa intenzjonat li jintuża għall-provvista ta' servizz sabiex tagħmel l-evalwazzjoni u taċċerta jekk il-liċenza għandhiex tingħata jew xort'ohra.

**15.** L-Awtorità tista' tagħti liċenza temporanja lill-fornitur prospettiv tas-servizz li huwa fil-proċess li jwaqqaf servizz regolat taht dan l-Att li jkun għadu ma jilhaqx l-*standards* kollha meħtieġa taht dan l-Att jew xi regolament ieħor magħmul tahtu:

Liċenzi temporanji.

Iżda liċenza temporanja tista' tingħata biss jekk dan huwa previst fir-regolament rilevanti u l-fornitur prospettiv tas-servizz ikun jikkonforma mal-*standards* stipulati fir-regolament rilevanti.

**16.** Meta tingħata liċenza lill-fornitur prospettiv tas-servizz, l-Awtorità għandha tohroġ ċertifikat ta' liċenza.

Ċertifikat ta' liċenza.

**17.** (1) Meta tingħata liċenza, dar ta' kura u infermerija għandha tingħata dik il-klassifikazzjoni jew klassifikazzjoni mill-ġdid li tirrifletti l-*standard* u l-livell ta' servizz pprovdut minn dik id-dar, skont ir-regolamenti li jkun fis-seħħ minn żmien għal żmien.

Klassifikazzjoni tad-djar ta' kura u infermerija.

(2) Meta l-Awtorità jidhrilha li dar ta' kura u infermerija ma tkunx qed tinzamm jew tiġi mmaniġġjata skont l-*standard* meħtieġ mid-dar skont il-kategorija li fiha tkun giet ikklassifikata, wara dik l-investigazzjoni li jidhrilha xierqa, l-Awtorità tista' tikklassifika mill-ġdid id-dar. Kull klassifikazzjoni mill-ġdid għandha tkun notifikata lid-detentur tal-liċenza relattiva u l-klassifikazzjoni mill-ġdid għandu jkollha effett mid-data li fiha tkun hekk giet notifikata.

(3) Meta, skont id-dispozzjonijiet tal-artikolu 27, jiġi pprezentat appell kontra l-klassifikazzjoni magħmula mill-Awtorità taht is-subartikolu (1), dik il-klassifikazzjoni m'għandhiex issir effettiva sakemm l-appell ma jiġix determinat b'mod finali.

(4) Kull ċertifikat ta' klassifikazzjoni li jkun gie revokat jew sostitwit għandu jiġi ritornat lill-Awtorità.

(5) L-ebda persuna m'għandha tirreklama jew tirrappreżenta dar bħala li tappartjeni għal kategorija oghla minn dik li attwalment tappartjeni skont il-klassifikazzjoni tagħha, jew li toffri amenitajiet partikolari jew servizzi li fil-fatt tipprovdni fiż-żmien tar-reklam jew rappreżentazzjoni. Kull min jagħmel dawn ir-rappreżentazzjonijiet ħżiena għandu jkun hati ta' reat taħt dan l-Att u dan bla ħsara għal kull azzjoni oħra jew rimedju li huwa disponibbli għal parti offiċja bħala konsegwenza ta' dak ir-reklam jew rappreżentazzjoni.

Tiġdid ta' liċenza.

**18.** (1) Il-liċenza tista' tiġi mġedda mill-Awtorità kemm-il darba l-fornitur liċenzjat tas-servizz ikun ikkonforma mad-dispożizzjonijiet ta' dan l-Att jew u kull regolament magħmul taħtu.

(2) Detentur ta' liċenza li jkun jixtieq iġedded liċenza li waslet biex tiskadi għandu japplika lill-Awtorità, tal-anqas sitt xhur qabel dik il-liċenza tiskadi.

(3) L-Awtorità għandha gġedded il-liċenza jekk tkun sodisfatta illi d-dar qed tiġi mħaddma skont id-dispożizzjonijiet ta' dan l-Att u wara l-evalwazzjoni mmexxija mill-Awtorità li tikkonferma l-aderenza mal-*standards* minimi stabbiliti fit-Tieni Skeda.

(4) Id-deċiżjoni tal-Awtorità dwar it-tiġdid tal-liċenza għandha tiġi notifikata lill-fornitur liċenzjat tas-servizz bil-posta reġistrata mhux iktar tard minn tletin jum mid-data tal-applikazzjoni għat-tiġdid.

(5) Il-fornitur liċenzjat tas-servizz għandu jiżgura li l-liċenza, jew kopja tagħha, tkun imwaħħla f'post prominenti fl-uffiċċju prinċipali tas-sit li minnu s-servizz jiġi pprovdut. Il-fornitur liċenzjat tas-servizz għandu fuq talba tal-utenti tas-servizz jipprovdni aċċess għal-liċenza lill-utenti tas-servizz jew utenti potenzjali tas-servizz.

(6) Il-ħruġ u t-tiġdid tal-liċenza għandu jkun bla ħsara għal kull rekwizit ta' xi liċenza oħra jew awtorizzazzjoni meħtieġa taħt xi liġi oħra.

Rifjut li tinghata liċenza.

**19.** (1) L-Awtorità tista' tirrifjuta applikazzjoni biex tinghata liċenza skont din it-Taqsima jekk jidhrilha li l-fornitur prospettiv tas-servizz jew il-fornitur liċenzjat tas-servizz mhuwiex xieraq biex jipprovdni s-servizz. Ir-rifjut, flimkien mar-raġunijiet għal dak ir-rifjut, għandu jiġi notifikat bil-miktub permezz tal-posta reġistrata lill-fornitur prospettiv tas-servizz jew lill-fornitur liċenzjat tas-servizz li jkun applika għal-liċenza, fi żmien xahar mid-data tal-

applikazzjoni.

(2) Il-fornitur prospettiv tas-servizz jew il-fornitur liċenzjat tas-servizz għandu jkollu d-dritt li jitlob it-tibdil tad-deċiżjoni tal-Awtorità billi jippreżenta appell skont it-Taqsima VI.

(3) Il-fornitur prospettiv tas-servizz jew il-fornitur liċenzjat tas-servizz għandu jkollu d-dritt li japplika mill-ġdid lill-Awtorità għal liċenza jekk ir-raġuni tar-rifjut ma tibqax tissussisti.

**20.** L-Awtorità għandu jkollha d-dritt li tirrevoka liċenza mogħtija skont dan l-Att f'kull hin jekk il-fornitur liċenzjat tas-servizz:

Revoka tal-liċenza.

(a) jippreżenta talba bil-miktub għar-revoka;

(b) jieqaf jikkonforma mal-kriterji tal-elegibilità tal-liċenzjar;

(ċ) ma jibqax jitqies adatt sabiex jipprovdi s-servizz li għalih huwa liċenzjat u jekk kien instab ħati għal piena għal reat taħt dan l-Att;

(d) ikun qed jikser il-kondizzjonijiet għal-liċenzjar skont id-dispożizzjonijiet ta' dan l-Att jew xjentement jitraskura jew jirrifjuta li jikkonforma ma' xi dispożizzjonijiet ta' dan l-Att jew xi Att ieħor, jew jostakola, jimpedixxi jew iwaqqaf xi persuna milli twettaq id-dmirijiet jew ir-responsabbiltajiet tagħha taħthom.

**21.** (1) L-Awtorità għandha tirrevoka l-liċenza skont l-artikolu 20(b), (ċ) jew (d) wara li tfassal rapport li jkun fih ir-rakkomandazzjonijiet jekk il-liċenza għandhiex tkun revokata jew xort'oħra. Ir-rapport għandu jinkludi prova ta' twissija dovuta lill-fornitur liċenzjat tas-servizz li l-liċenza tista' tiġi revokata sakemm ma tittehidx azzjoni xierqa, skont il-proċedura stabbilita permezz ta' regolamenti taħt dan l-Att.

Metodu ta' revoka.

(2) Ir-revoka bil-miktub, flimkien mar-raġunijiet tagħha, għandha tkun notifikata lill-fornitur liċenzjat tas-servizz permezz ta' posta reġistrata. Dik ir-revoka għandu jkollha effett mid-data tan-notifika.

(3) Jekk il-liċenza tal-fornitur liċenzjat tas-servizz tkun revokata, iċ-ċertifikat tal-liċenza u r-records u dokumenti kollha relatati mas-servizz tal-ħarsien soċjali għandhom isiru proprjetà tal-Awtorità.

C 1076

Pubblikazzjoni  
fil-Gazzetta.

**22.** Matul ix-xahar ta' Jannar ta' kull sena l-Awtorità għandha tippubblika fil-Gazzetta:

(a) lista ta' fornituri liċenzjati tas-servizz inkluż isimhom komplut, l-indirizz registrat u dettalji oħra rilevanti ta' fejn jistgħu jiġu kkuntattjati; u

(b) lista ta' fornituri tas-servizz liċenzjati li l-liċenza tagħhom tkun giet revokata matul is-sena kalendarja preċedenti u l-bidliet kollha fil-kondizzjonijiet meħtieġa għal-liċenzjar jew tiġdid.

#### Taqsim V

#### *Standards ta' Infurzar*

Id-dritt li tidhol  
fis-sit u tikseb l-  
informazzjoni.

**23.** L-Awtorità għandu jkollha d-dritt li tidhol fis-sit ta' fornitur liċenzjat tas-servizz sabiex tispezzjona u tevalwa s-servizz li jkun qed jiġi offrut. L-ispezzjonijiet u l-evalwazzjonijiet għandhom isiru minn impjegati tal-Awtorità nominati bħala assessuri. L-assessuri għandu jkollhom is-setgħa li:

(a) jispezzjonaw is-servizz li qed jiġi pprovdut mill-fornitur liċenzjat tas-servizz;

(b) fi kwalunkwe żmien raġonevoli u mingħajr avviz preċedenti, jidhlu u jispezzjonaw siti li qed jintużaw jew li l-assessur ikollu raġuni biex jemmen li qed jintużaw għall-ghan li jipprovdu s-servizz;

(ċ) jispezzjonaw it-tagħmir l-istrumenti, *ir-records* finanzjarji, *ir-records* mediċi, il-manwali proċedurali u *r-records* l-oħra li jinżammu mid-dar u fit-twertiq tal-obbligi tagħhom taht dan l-Att u l-iSkedi li jinsabu miegħu;

(d) iżuru kull persuna jew organizzazzjoni li qed tipprovdi jew maħsub li qed tipprovdi s-servizz mingħajr avviz preċedenti;

(e) jintervistaw lil kull persuna li tista' tkun f'pożizzjoni li tagħti informazzjoni dwar is-servizz pprovdut, inkluż:

(i) lill-*manager* tas-servizz jew tas-sit;

(ii) lil persuna li għandha r-responsabbiltà legali għall-provvista tas-servizz u kull persuna oħra impjegata fis-sit;

(iii) lil kull persuna li qed jieħdu hsiebha jew qed tkun akkomodata fis-sit u li taghti kunsens infurmat biex tiġi intervistata;

(iv) lil kull persuna oħra li tiġi affettwata direttament jew indirettament mis-servizz jew li jista' jkollha impatt fuq is-servizz;

(f) jintervistaw lil kull persuna sabiex tinkiseb informazzjoni dwar:

(i) l-istat u l-immaniġġjar tas-servizz jew tas-sit;

(ii) it-trattament tal-persuni li qed jiġu kkurati mis-servizz jew li jkunu akkomodati fis-sit; u

(iii) it-trattament ta' persuni impjegati mas-servizz;

(g) jispezzjonaw u jingħataw kopji ta' xi dokumenti jew *records* li dan l-Att jew xi regolamenti magħmula tahtu jistgħu jeħtieġu li jinżammu;

(h) jieħdu kull azzjoni li tista' tkun neċessarja biex jiżguraw, u jivverifikaw il-kwalità tas-servizz pprovdut mill-fornitur liċenzjat tas-servizz;

(i) iwettqu kull attività oħra li tista' titqies neċessarja taht id-dispożizzjonijiet ta' dan l-Att jew taht xi regolamenti magħmula tahtu.

**24.** L-Awtorità tista' f'kull hin teħtieġ lill-fornitur liċenzjat tas-servizz jew xi persuna oħra direttament jew indirettament involuta fil-provvista tas-servizz biex tagħtiha l-informazzjoni relatata mas-servizz li hija tikkonsidra neċessarja jew spedjenti li teħtieġ għall-finijiet li tissodisfa l-funzjonijiet tagħhom taht dan l-Att u r-regolamenti magħmula tahtu.

Setgħa li titlob informazzjoni.

**25.** (1) Wara l-hruġ tal-liċenza, l-Awtorità għandu jkollha dritt li f'kull hin li tispezzjona u tivverifika s-servizz u s-siti minn fejn qieghed jiġi pprovdut is-servizz. Jekk l-uffiċjal li jispezzjona jidhirlu li s-servizz mhuwiex konformi mad-dispożizzjonijiet ta' dan l-Att jew mal-kundizzjonijiet tal-liċenza, l-uffiċjal li jispezzjona għandu jfassal rapport li jirrakkomanda xi bidliet li għandhom isiru mill-fornitur liċenzjat tas-servizz. Kopja tar-rapport għandha tiġi notifikata lill-fornitur liċenzjat tas-servizz miċ-*Chairperson* u ċ-*Chairperson* għandu jressaq dik il-materja quddiem l-Awtorità għad-deċiżjoni tagħha.

Spezzjonijiet u verifika tas-servizz.

C 1078

(2) Il-fornitur liċenzjat tas-servizz għandu iwettaq il-bidliet indikati fir-rapport fi żmien stabbilit mill-Awtorità. F'każ illi l-fornitur tas-servizz ma jikkonformax mal-bidliet meħtieġa fiż-żminijiet speċifikati, l-Awtorità għandha tiegħu kull deċiżjoni li tqis li hija xierqa.

Spezzjoni tas-sit.

**26.** (1) L-Awtorità għandu jkollha d-dritt li tispezzjona s-siti kollha minn fejn qed jiġu pprovduti s-servizzi ta' kura u infermerija mingħajr il-liċenza neċessarja taht dan l-Att. Wara dik l-ispezzjoni l-Awtorità għandha:

(a) tfassal rapport dwar is-sejbiet tagħha;

(b) fejn possibbli, taħdem mal-fornitur mhux reġistat tas-servizz sabiex l-organizzazzjoni tiġi konformi mad-dispożizzjonijiet ta' dan l-Att;

(ċ) tagħti lill-fornitur tas-servizz żmien raġonevoli sabiex jirregolarizza l-pożizzjoni tiegħu;

(d) tispezzjona mill-ġdid is-servizzi offruti mill-fornitur tas-servizz fl-aħħar tal-perjodu mogħti lilu sabiex tivvaluta:

(i) jekk il-fornitur tas-servizz jissodisfa l-kriterji neċessarji għal-liċenzjar temporanju, f'liema każ għandha tohroġ liċenza temporanja; jew

(ii) jekk il-fornitur tas-servizz jeħtieġ iktar żmien biex jissodisfa l-kriterji għall-ħruġ tal-liċenza temporanja, f'liema każ iċ-*Chairperson* jista' jwaqqaf lill-fornitur tas-servizz biex iwaqqaf l-attività kollha sakemm daww il-kriterji jiġu sodisfatti:

Izda f'każijiet eċċezzjonali, u fejn iċ-*Chairperson* jidhirlu li mhux ser ikun hemm l-ebda preġudizzju serju għall-utent tas-servizz, l-Awtorità tista' tħalli lill-fornitur tas-servizz ikompli joffri s-servizzi sakemm jilhaq l-*standards* fiż-żmien stabbilit mill-Awtorità.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1), fornitur mhux reġistat tas-servizz għandu xorta jista' jehel il-multi u l-penali li jistgħu ikunu imposti minħabba n-nuqqas ta' konformità mad-dispożizzjonijiet ta' dan l-Att.

## Taqsim VI

## Appelli.

27. (1) Jista' jsir appell quddiem it-Tribunal minn kull <sup>Appelli.</sup> deċiżjoni tal-Awtorità skont id-dispożizzjonijiet ta' dan l-Att u regolamenti magħmulin tahtu u kull persuna li thoss ruħha aggravata b'xi deċiżjoni bħal dik għandu jkollha l-jedd li tagħmel appell.

(2) Għall-finijiet ta' dan l-Att, it-Tribunal għandu jkun kompetenti li jisma' u jiddetermina:

(a) appell minn kull persuna li thoss ruħha aggravata minn kull deċiżjoni tal-Awtorità li ma tagħtix jew ma gēddidix, jew li tissospendi jew li tirrevoka awtorizzazzjoni, jew liċenza jew permess jew li timponi kondizzjonijiet, limitazzjonijiet jew esklużjonijiet fiha jew għaliha;

(b) appell minn kull persuna li thoss ruħha aggravata minn kull deċiżjoni tal-Awtorità minn deċiżjoni jew penali amministrattiva imposta fuqha mill-Awtorità; u

(c) appell minn kull persuna li thoss ruħha aggravata minn kull deċiżjoni tal-Awtorità dwar klassifikazzjoni.

(3) L-appell jista' jkun fih talba lit-Tribunal biex jissospendi l-eżekuzzjoni tad-deċiżjoni tal-Awtorità sakemm tittiehed deċiżjoni finali mit-Tribunal. F'dak il-każ it-Tribunal m'għandux jissospendi d-deċiżjoni tal-Awtorità jekk jidherli li s-sospensjoni tad-deċiżjoni tal-Awtorità probabbilment tpoġġi lill-utent tas-servizz f'riskju.

(4) It-Tribunal għandu jagħti raġunijiet għad-deċiżjoni tiegħu u għandu jara li dawk id-deċiżjonijiet tiegħu isiru pubbliċi.

(5) Fid-determinazzjoni ta' appell it-Tribunal għandu jqis il-merti tal-appell, u jista', għal kollox jew f'parti, jikkonferma jew jannulla d-deċiżjoni appellata, fejn jagħti bil-miktub ir-raġunijiet għad-deċiżjoni tiegħu u għandu jara li dik id-deċiżjoni tkun waħda pubblika u li din tiġi kkomunikata lill-partijiet fl-appell.

(6) Appell mid-deċiżjoni tal-Awtorità għandu jsir b'rikors u għandu jkun ipprezentat fir-reġistru tat-Tribunal fi żmien tletin gurnata mid-data li minnha d-deċiżjoni tkun giet notifikata bil-miktub lill-parti li qed tappella:

Izda r-rikors tal-appell għandu jkun notifikat lill-Awtorità li sa mhux iktar tard minn tletin gurnata min-notifika għandha tipprezenta r-risposta tagħha fir-reġistru tat-Tribunal.

(7) Fl-eżerċizzju tal-funzjonijiet tiegħu, it-Tribunal jista' jharrek lil kull persuna biex tidher quddiemu sabiex tixhed u ggib dokumenti magħha; u *Chairperson* ikollu s-setgħa li jagħti l-gurament. It-Tribunal jista' wkoll jahtar periti biex jagħtu parir lit-Tribunal fuq kull suġġett tekniku li jista' jkun relevanti għad-deċiżjoni tiegħu.

(8) It-Tribunal għandu jkollu l-istess setgħat bħalma jappartjenu lill-Prim'Awla tal-Qorti Ċivili skont il-liġi.

Kap. 490.

(9) Parti f'appell quddiem it-Tribunal li thoss ruħha aggravata b'deċiżjoni tat-Tribunal, jew l-Awtorità jekk din thoss ruħha mhux sodisfatta b'xi deċiżjoni bħal dik, tista' fuq punt ta' liġi tappella quddiem il-Qorti tal-Appell skont id-dispożizzjonijiet tal-Att dwar il-Gustizzja Amministrattiva.

(10) L-appell għandu jsir permezz ta' rikors li jiġi pprezentat fir-registru ta' dik il-qorti fi żmien għoxrin ġurnata minn meta dik id-deċiżjoni tkun giet notifikata.

## Taqsimha VII

### Uffiċjali u Impjegati tal-Awtorità

Hatriet ta' persunal.

**28.** Mingħajr preġudizzju għad-dispożizzjonijiet l-oħra ta' dan l-Att, il-ħatra ta' uffiċjali u ta' impjegati oħra tal-Awtorità għandha ssir mill-Awtorità. Il-pattijiet u l-kondizzjonijiet tal-impieg għandhom jiġu stabbiliti mill-Awtorità bi ftehim mal-Ministru.

ħatra u funzjonijiet tal-uffiċjali u l-impjegati tal-Awtorità.

**29.** L-Awtorità għandha tahtar u timpjega, b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u kondizzjonijiet ta' żmien hekk kif tista' lil dawk l-uffiċjali u l-impjegati tal-Awtorità bħalma jistgħu minn żmien għal żmien ikunu meħtieġa għat-tweqqif dovut u effiċjenti tal-funzjonijiet tal-Awtorità.

Assenjament ta' uffiċjali pubbliċi biex jaqdu dmirijiet mal-Awtorità.

**30.** (1) Il-Prim Ministru jista', fuq talba tal-Awtorità, minn żmien għal żmien jordna li uffiċjal pubbliku għandu jiġi assenjat biex jaqdi dmirijietu mal-Awtorità f'dik il-kapaċità u b'seħħ minn dik id-data li tista' tiġi speċifikata fl-ordni tal-Prim Ministru.

(2) Il-perjodu li matulu ordni bħal dik hawn aktar qabel imsemmija għandha tapplika għal xi uffiċjal li jkun speċifikat fiha, għandu, kemm-il darba l-uffiċjal ma jkunx irtira mis-servizz pubbliku, jew xort'oħra temm milli jibqa' fil-kariga f'data li tiġi qabel, jew kemm-il darba ma tiġix speċifikata data differenti f'dik l-ordni, jtemm milli jibqa' jseħħ wara sena mid-data effettiva ta' dik l-ordni kemm-il darba l-ordni ma tiġix aktar kmieni revokata mill-Prim Ministru.



**31.** (1) Meta uffiċjal jiġi assenjat għal dmirijiet mal-Awtorità taht xi waħda mid-dispożizzjonijiet ta' dan l-Att, dak l-uffiċjal għandu, matul iż-żmien li fih dik l-ordni jkollha effett dwaru, jkun taht l-awtorità u l-kontroll amministrattiv tal-Awtorità iżda huwa għandu għal kull għan u raġuni oħra jibqa' u jitqies u jiġi trattat bħala uffiċjal pubbliku.

Status ta' uffiċjali pubbliċi assenjati biex jaqdu dmirijiet mal-Awtorità.

(2) Mingħajr preġudizzju għall-ġeneralità ta' dak hawn aktar qabel imsemmi, uffiċjal li jkun assenjat għal dmirijiet kif hawn aktar qabel imsemmi:

(a) ma għandux waqt iż-żmien li matulu huwa jkun hekk assenjat:

(i) ikun prekluz milli japplika għal trasferiment f'xi dipartiment tal-Gvern skont il-pattijiet u l-kondizzjonijiet tas-servizz konnessi mal-ħatra tiegħu mal-Gvern li jkollu fid-data meta huwa jiġi hekk assenjat għal dmirijietu; jew

(ii) ikun hekk impjegat li r-rimunerazzjoni u l-kondizzjonijiet tas-servizz tiegħu jkunu inqas favorevoli minn dawk li jkunu konnessi mal-ħatra tiegħu mal-Gvern li jkollu fid-data hawn aktar qabel imsemmija jew li kienu jkunu konnessi ma' dik il-ħatra, matul dak iż-żmien, li kieku dak l-uffiċjal ma jkunx ġie assenjat biex jaqdi dmirijietu mal-Awtorità; u

(b) ikollu jedd li s-servizz tiegħu mal-Awtorità jiġi kkunsidrat bħala servizz mal-Gvern għall-għanijiet ta' pensjoni, gratwità, jew benefiċċju taht l-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema u ta' kull dritt jew privileġġ ieħor li huwa jkollu jedd għalih, u responsabbli għal kull responsabbiltà li dwarha huwa jkun responsabbli, hlief għall-fatt li huwa jkun ġie assenjat biex iwettaq dmiru mal-Awtorità.

Kap. 93.

Kap. 58.

(3) Meta ssir applikazzjoni kif previst fis-subartikolu (2)(a)(i) għandha tingħatalha l-istess konsiderazzjoni daqslikieku l-applikant ma jkunx ġie assenjat għal servizz mal-Awtorità.

(4) L-Awtorità għandha thallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi dwar l-ispiza ta' pensjonijiet u gratwitajiet li jinqalgħu minn uffiċjal li jkun assenjat għal dmirijiet mal-Awtorità kif hawn aktar qabel imsemmi matul il-perjodu li fih huwa jkun hekk assenjat.

C 1082

Offerta ta' impjeg permanenti mal-Awtorità lill-uffiċjali pubbliċi assenjati biex jaqdu dmirijiet mal-Awtorità.

**32.** (1) L-Awtorità tista', bl-approvazzjoni tal-Prim Ministru, toffri lil uffiċjal assenjat għal dmirijiet mal-Awtorità taht xi wahda mid-disposizzjonijiet tal-artikolu 30 impjeg permanenti mal-Awtorità b'dik ir-rimunerazzjoni u b'dawk il-pattijiet u l-kondizzjonijiet li ma jkunux inqas favorevoli minn dawk li jgawdi dak l-uffiċjal fid-data ta' dik l-offerta.

(2) Il-pattijiet u l-kondizzjonijiet f'xi offerta magħmula kif hawn aktar qabel imsemmi ma għandhiex titqies bħala inqas favorevoli biss għaliex ma jkunux għal kollox identici jew superjuri għal dawk li l-uffiċjal involut ikun qed igawdi fid-data ta' dik l-offerta, jekk dawk il-pattijiet u l-kondizzjonijiet ikkunsidrati flimkien, fil-fehma tal-Prim Ministru, ikunu joffru benefiċċji sostanzjalment ekwivalenti jew akbar.

Kap. 93.  
Kap. 58.

(3) Kull uffiċjal li jaċċetta impjeg permanenti mal-Awtorità li jiġi offert lilu, taht id-disposizzjonijiet tas-subartikolu (1), għandu għall-għanijiet kollha minbarra dawk tal-Ordinanza dwar il-Pensjonijiet u l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, u jitqies bħala li temm li jkun fis-servizz tal-Gvern u li jkun daħal fis-servizz mal-Awtorità fid-data meta huwa jaċċetta, u għall-finijiet tal-imsemmija Ordinanza u tal-imsemmi Att, sakemm applikabbli għalih, servizz mal-Awtorità għandu jitqies bħala servizz mal-Gvern fi hdan it-tifsiriet tagħhom rispettivament.

Kap. 58.

(4) Kull uffiċjal bħal dak hawn aktar qabel imsemmi li, minnufih qabel ma jaċċetta impjeg permanenti mal-Awtorità kellu jedd jikseb benefiċċju taht l-Att dwar il-Pensjonijiet lil Nisa Romol u Tfal Iltiema, għandu jibqa' jkollu dak il-jedd li jibbenefika tahtu għal kull skop bħallikieku s-servizz tiegħu mal-Awtorità kien servizz mal-Gvern.

(5) L-Awtorità għandha tħallas lill-Gvern dawk il-kontribuzzjonijiet li jistgħu minn żmien għal żmien jiġu stabbiliti mill-Ministru responsabbli għall-finanzi għar-rigward tal-ispiza ta' pensjonijiet u gratwitajiet li jinqalghu minn uffiċjal li jkun aċċetta li impjeg permanenti mal-Awtorità kif hawn aktar qabel imsemmi matul il-perjodu li jibda fid-data meta dak l-uffiċjal hekk jaċċetta.

Kap. 93.

(6) Għall-għanijiet tal-Ordinanza dwar il-Pensjonijiet, l-emolumenti pensjonabbli ta' dak l-uffiċjal pubbliku meta huwa jirtira għandhom jitqiesu li jkunu l-emolumenti pensjonabbli li jithallsu lil uffiċjal fis-servizz tal-Gvern fi grad u f'livell inkrementali li jikkorrispondi għall-kariga u l-livell inkrementali li bih l-uffiċjal jirtira mill-Awtorità.

(7) (a) Għall-għanijiet ta' dan l-artikolu l-karigi u l-gradji salarjali mal-Awtorità għandhom jiġu klassifikati fi gradi u livelli

inkrimentali li jikkorrispondu mill-qrib mas-servizz taht il-Gvern ta' Malta b'riferenza ghal deskrizzjoni tax-xoghol, senġha, responsabbiltajiet u fatturi oħra analogi.

(b) Il-klassifikazzjoni msemmija fil-paragrafu (a) għandha ssir minn bord magħmul minn President li jiġi mahtur mill-Ministeru responsabbli għall-finanzi u minn żewġ membri oħra, wiehed mahtur mill-Ministeru ċentralment responsabbli għal *policies* dwar il-persunal fis-servizz pubbliku u wiehed li jiġi mahtur mill-Awtorità. Il-klassifikazzjoni għandha ssir u tkun sugġetta għall-approvazzjoni finali tal-Ministru responsabbli għall-finanzi.

(c) Dik il-klassifikazzjoni għandha ssehh fi żmien tliet xhur minn kull aġġustament tas-salarji ta' impjegati fis-servizz tal-Gvern u, jew, ta' impjegati tal-Awtorità.

(d) Ebda kariga ma għandha tigi klassifikata fi grad oġġla minn dak ta' Grad 3 fis-servizz tal-Gvern jew dak il-grad ieħor li l-Ministru responsabbli għall-finanzi jista' minn żmien għal żmien jistabbilixxi b'avviż fil-Gazzetta.

(e) Mingħajr preġudizzju għall-artikolu 113 tal-Kostituzzjoni, hadd ma jista', wara klassifikazzjoni kif hawn aktar qabel imsemmi, jkollu jedd għal drittijiet taht l-imsemmija Ordinanza Kap. 93. dwar il-Pensjonijiet li jkunu inqas favorevoli minn dawk li kieku kien ikun intitolat għalihom qabel dik il-klassifikazzjoni.

## Taqsim VII

### Dispożizzjonijiet Finanzjarji

**33.** (1) Mingħajr preġudizzju għad-dispożizzjonijiet li ġejjin ta' dan l-artikolu, l-Awtorità għandha hekk tmexxi l-affarijiet tagħha li daqstant mill-ispiza meħtieġa għat-twettiq sew tal-funzjonijiet tagħha għandha, daqskemm dan ikun possibbli, tinħareġ mid-dhul tagħha. L-infiq tal-Awtorità issir mid-dhul tagħha.

(2) Għal dak il-għan l-Awtorità għandha tiġbor kull dritt, rata u ħlas ieħor preskritti jew meqjusa bħala preskritti b'dan l-Att jew tahtu jew kull liġi oħra li jkollha x'taqsam mas-setgħat u l-funzjonijiet tal-Awtorità.

(3) L-Awtorità għandha wkoll tithallas mill-Gvern mill-Fond Konsolidat dawk l-ammonti li l-Parlament jista' minn żmien għal żmien jawtorizza li jiġu approprijati sabiex minnhom isiru kull nefqa li l-Awtorità jista' jkollha tagħmel u li ma tkunx tista' tinħareġ mid-dhul tagħha u l-ispejjeż ta' xogħlijiet speċifikati biex dawn jitkomplew jew xort'oħra jsiru mill-istess Awtorità, li jkunu xogħlijiet

ta' infrastruttura jew ta' xorta kapitali simili.

(4) Kull eċċess ta' dhul fuq l-infieq għandu, bla hsara għal dawk l-ordnijiet li l-Ministru, wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, jista' jagħmel, jiġi applikat mill-Awtorità għall-formazzjoni ta' fondi ta' riserva sabiex dawn jintużaw għall-għanijiet tal-Awtorità; u mingħajr preġudizzju għall-ġeneralità tas-setgħat mogħtijin lill-Ministru b'dan is-subartikolu, kull ordni li ssir mill-Ministru kif hawn aktar qabel imsemmi tista' tkun tordna t-trasferiment lill-Gvern, jew l-applikazzjoni b'dak il-mod li jista' jiġi speċifikat fl-ordni, ta' xi parti mid-drittijiet, rati u ħlasijiet oħra miġbura skont is-subartikolu (2) jew ta' kull eċċess bħal dak kif hawn aktar qabel imsemmi.

(5) Il-flus kollha tal-Awtorità li ma jkunux meħtieġa minnufih biex minnhom issir l-ispiza jistgħu jiġu investiti b'dak il-mod li jista' minn żmien għal żmien jiġi approvat mill-Ministru.

Setgħa li tissellef jew toriġina kapital.

**34.** (1) Bil-għan li tkun tista' taqdi kull funzjoni tagħha taħt dan l-Att, l-Awtorità tista', bl-approvazzjoni bil-miktub tal-Ministru li tingħata wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tissellef jew tiġbor flus b'dak il-mod, minn dik il-persuna, dak il-korp jew dik l-awtorità, u taħt dawk il-pattijiet u l-kondizzjonijiet li l-Ministru jista', wara konsultazzjoni kif hawn aktar qabel imsemmija, japprova bil-miktub.

(2) L-Awtorità tista' wkoll, minn żmien għal żmien, tissellef, b'*overdraft* jew xort'oħra, dawk l-ammonti li tista' teħtieġ sabiex twettaq il-funzjonijiet tagħha taħt dan l-Att:

Izda għal kull ammont li jkun jeċċedi mija u sittax-il elf u erba' mija u tmienja u sittin euro u sebgħa u sittin ċenteżmu (116,468.67), għandha tingħata l-approvazzjoni tal-Ministru bil-miktub.

Avvanzi mill-Gvern.

**35.** Il-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jagħmel avvanzi lill-Awtorità ta' dawk l-ammonti li huwa jista' jaqbel li jkunu meħtieġa mill-Awtorità biex din twettaq kull funzjoni tagħha taħt dan l-Att, u jista' jagħmel dawk l-avvanzi b'dawk il-pattijiet u l-kondizzjonijiet li huwa jista', wara dik il-konsultazzjoni hawn aktar qabel imsemmija, iqis li tkun xierqa. Avvanz bħal dak jista' jsir mill-Ministru responsabbli għall-finanzi mill-Fond Konsolidat, u mingħajr ebda approprjazzjoni oħra minbarra dan l-Att, b'kitba minnu magħmula li tkun tawtorizza lill-*Accountant General* li jagħmel dak l-avvanz.

Self mingħand il-Gvern.

**36.** (1) Il-Ministru responsabbli għall-finanzi jista', għal kull ħtieġa tal-Awtorità ta' xorta kapitali, jikkuntratta jew jiġbor kull

self, jew jidhol f'passiv, għal dawk il-perjodi u b'dawk il-pattijiet u kondizzjonijiet hekk kif huwa jista' jqis li jkun xieraq; u kull ammont dovut għar-rigward ta' jew f'konnessjoni ma' xi self jew passiv bħal dak għandu jkun piż fuq il-Fond Konsolidat.

(2) Għandu jingħata avviż dwar kull self, passiv jew avvanz magħmul jew li jsir taħt id-dispożizzjonijiet ta' qabel ta' dan l-artikolu lill-Kamra tad-Deputati kemm jista' jkun prattikament malajr u, f'kull każ, mhux aktar tard minn tmien ġimgħat wara li dak is-self, passiv jew avvanz ikun sar, jew jekk f'xi żmien waqt dak il-perjodu l-Kamra ma tkunx qed tiltaqa' fi żmien tmien ġimgħat mill-bidu tas-sessjoni li minnufih imiss wara.

(3) Sakemm ma jibda jsir il-ġbir ta' xi self bħal dak imsemmi fis-subartikolu (1), jew bil-għan li l-Awtorità tiġi pprovduta b'kapital funzjonali, il-Ministru responsabbli għall-finanzi jista', b'kitba magħmula minnu nnifsu, u mingħajr ebda approprjazzjoni oħra hlief dan l-Att, jawtorizza lill-*Accountant General* li jagħmel avvanzi lill-Awtorità mit-*Treasury Clearance Fund* taħt dawk il-pattijiet li jistgħu jiġu speċifikati mill-Ministru meta dawn isiru.

(4) Ir-rikavat minn kull self li jingabar bil-għan li jsiru avvanzi lill-Awtorità, u kull flus oħra li għandhom jiġu avvanzati lill-Awtorità taħt dan l-artikolu, għandhom jitqiegħdu ġewwa fond speċifikament stabbilit għal dak l-għan u li jkun magħruf bħala "Fond għal Self lill-Awtorità ta' Malta dwar ir-Rizorsi".

(5) Ammonti li jirċievi l-*Accountant General* mill-Awtorità għar-rigward ta' avvanzi magħmulin lill-Awtorità taħt is-subartikolu (3) għandhom jithallsu, f'dawk li huma ammonti riċevuti bħala hlas lura billi jitqiegħdu fit-*Treasury Clearance Fund* u, f'dawk li huma ammonti riċevuti bħala mgħax billi jitqiegħdu fil-Fond Konsolidat.

**37.** (1) L-Awtorità għandha tara li jithejjew f'kull sena finanzjarja, u għandha mhux iktar tard minn sitt ġimgħat wara tmien kull sena bħal dik tadotta, estimi tad-dhul u l-infieq tal-Awtorità għas-sena finanzjarja li tiġi minnufih wara:

Estimi tal-Awtorità.

Iżda l-estimi għall-ewwel sena finanzjarja tal-Awtorità għandhom jiġu mhejjija u adottati f'dak iż-żmien li l-Ministru jista' jispeċifika b'avviż bil-miktub lill-Awtorità.

(2) Fit-tnejn ta' dawk l-estimi l-Awtorità għandha tqis kull fond u flus oħra li jistgħu jkunu dovuti li jithallsu lilha mill-Fond Konsolidat matul is-sena finanzjarja rilevanti, sew bis-saħħa ta' dan l-Att jew ta' Att ta' approprjazzjoni jew ta' kull ligi oħra; u l-Awtorità għandha hekk thejji l-estimi imsemmija b'mod li tiżgura li d-dhul

totali tal-Awtorità huwa mill-inqas suffiċjenti biex minnu jithallas kull ammont li sewwasew għandu jintefaġ mill-kont tad-dhul tagħha inkluż, iżda mingħajr preġudizzju għall-ġeneralità ta' dik il-frazi, d-deprezzament.

(3) L-estimi għandhom isiru f'dik l-għamla u għandu jkun fihom dik l-informazzjoni u dak it-tqabbil ma' snin ta' qabel hekk kif il-Ministru responsabbli għall-finanzi jista' jordna.

(4) Kopja tal-estimi għandha, meta dawn jiġu adottati mill-Awtorità, tintbagħat minnufih mill-Awtorità lill-Ministru u lill-Ministru responsabbli għall-finanzi.

(5) Il-Ministru għandu, mal-ewwel opportunità, iżda mhux aktar tard minn sitt ġimgħat wara li jkun irċieva kopja tal-estimi mingħand l-Awtorità, jew, jekk f'dak iż-żmien il-Kamra ma tkunx qed tiltaqa' fi żmien sitt ġimgħat mill-bidu tas-sessjoni li tiġi minnufih wara, jiehu hsieb li daww l-estimi jitqiegħdu quddiem il-Kamra flimkien ma' mozzjoni li l-Kamra tapprova l-imsemmija estimi. Għandha tingħata mhux anqas minn seduta waħda biex il-Kamra tiddiskuti dik il-mozzjoni; u kemm dik il-mozzjoni kif ukoll l-approvazzjoni tal-estimi mill-Kamra jistgħu jkunu b'emendi għall-estimi jew mingħajr emendi.

L-infiq għandu jkun skont l-estimi approvati.

**38.** (1) Ma għandha ssir jew tiġġarrab ebda nefqa mill-Awtorità kemm-il darba ma jkunx sar provvediment għaldaqshekk fl-estimi approvati kif previst fl-artikolu 37.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1) -

(a) sa l-iskadenza ta' sitt xhur mill-bidu ta' sena finanzjarja, jew sa l-approvazzjoni tal-estimi għal dik is-sena, skont liema data tiġi l-ewwel, l-Awtorità tista' tagħmel jew iġġarrab spiza għat-twettiq tal-funzjonijiet tagħha taht dan l-Att li ma tkunx globalment teċċedi nofs l-ammont approvat għas-sena finanzjarja preċedenti;

(b) in-nefqa approvata għar-rigward ta' intestatura jew sotto-intestatura tal-estimi tista', bl-approvazzjoni tal-Ministru li tingħata wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, issir jew tiġġarrab għar-rigward ta' xi intestatura jew sotto-intestatura oħra tal-estimi;

(c) għar-rigward tal-ewwel sena finanzjarja, l-Awtorità tista' tagħmel jew iġġarrab nefqa li ma tkunx globalment teċċedi daww l-ammonti li l-Ministru responsabbli għall-finanzi jista, wara konsultazzjoni mal-Ministru, jippermetti;

(d) jekk għar-rigward ta' xi sena finanzjarja jinstab li l-ammont approvat fl-estimi ma jkunx suffiċjenti jew inkella tkun inqalghet hteieġa għal nefqa għal għan li ma jkunx hemm provdut dwaru fl-estimi, l-Awtorità tista' tadotta estimi supplimentari għall-approvazzjoni tal-Ministru, u f'kull każ bhal dak id-dispożizzjonijiet ta' dan l-Att applikabbli għall-estimi għandhom kemm jistgħu ikunu japplikaw għall-estimi supplimentari.

**39.** L-estimi u l-estimi supplimentari approvati mill-Kamra għandhom, kemm jista' jkun prattiku, jiġu pubblikati fil-Gazzetta. Pubblikazzjoni tal-estimi approvati.

**40.** (1) L-Awtorità għandha tara li jinżammu kontijiet u *records* oħra sew għar-rigward tal-operazzjonijiet tagħha, u għandha tara li jithejja prospett ta' kontijiet għar-rigward ta' kull sena finanzjarja. Kontijiet u verifika.

(2) Il-kontijiet tal-Awtorità għandhom jiġu verifikati minn awditur jew awdituri li jinhatru mill-Awtorità u jiġu approvati mill-Ministru:

Izda l-Ministru responsabbli għall-finanzi jista', wara konsultazzjoni mal-Ministru, jehtieġ li l-kotba u l-kontijiet tal-Awtorità jiġu verifikati jew eżaminati mill-Awditur Ġenerali li għal dan il-għan ikollu s-setgħa li jikkontrolla fizikament u jagħmel dawk l-aċċertamenti li huwa jista' jqis li jkunu meħtieġa.

(3) Wara tmiem kull sena finanzjarja, u mhux aktar tard mid-data meta l-estimi tal-Awtorità jintbagħtu lill-Ministru taħt l-artikolu 31, l-Awtorità għandha tara li kopja tal-prospett tal-kontijiet debitament verifikat għandu jintbagħat lill-Ministru u lill-Ministru responsabbli għall-finanzi flimkien ma' kopja ta' kull rapport magħmul mill-awdituri dwar dak il-prospett jew fuq il-kontijiet tal-Awtorità.

(4) Il-Ministru għandu jara li kopja ta' kull prospett u rapport bhal dak jitqiegħdu fuq il-Mejda tal-Kamra flimkien mal-mozzjoni mqiegħda quddiem il-Kamra skont l-artikolu 37(5).

**41.** (1) Il-flus kollha li jingabru mill-Awtorità għandhom jitqiegħdu f'bank jew banek li jinhatru bhala bankiera tal-Awtorità b'riżoluzzjoni tal-Awtorità. Dawk il-flus għandhom, kemm jista' jkun prattiku, jitqiegħdu f'dawk il-banek minn jum għall-ieħor, hlief dak l-ammont li l-Awtorità tista' tawtorizza li għandu jinżamm sabiex isiru nefqiet żgħar minnu u hlasijiet ta' flus likwidi ta' minnufih. Depożitu tad-dhul u hlasijiet li jsiru mill-Awtorità.

(2) Kull hlas mill-fondi tal-Awtorità, minbarra nefqiet żgħar li ma jkunux jeċċedu ammont stabbilit mill-Awtorità, għandhom isiru

minn dak l-uffiċjal jew dawk l-uffiċjali tal-Awtorità li l-Awtorità tahtar jew tinnomina għal dak l-għan.

(3) Ċekkijiet li jinħarġu fuq, u zbanki li jsiru minn, xi kont tal-bank tal-Awtorità għandhom ikunu ffirmati minn dak l-uffiċjal tal-Awtorità hekk kif jista' jiġi maħtur jew nominat mill-Awtorità għal dak il-għan u għandhom ikunu kontrosenjati miċ-*Chairman*, jew minn dak il-membru jew uffiċjal ieħor tal-Awtorità li jista' jiġi awtorizzat mill-Awtorità għal dak l-għan.

(4) L-Awtorità għandha wkoll tagħmel provvedimenti għar-rigward ta' -

(a) il-mod kif il-hlasijiet għandhom jiġu awtorizzati jew approvati u l-uffiċjal jew uffiċjali li għandhom jawtorizzawhom jew japprovawhom;

(b) it-titolu ta' kull kont miżmum f'bank jew banek fejn jiġu depożitati l-flus tal-Awtorità, u t-trasferiment ta' fondi minn kont għal ieħor;

(c) il-metodu li għandu jiġi adottat meta jkun qed jithallsu flus mill-fondi tal-Awtorità; u

(d) generalment għar-rigward ta' kull haġa li hi rilevanti għat-tiżmim u kontroll sew tal-kontijiet u l-kotba, u l-kontroll tal-finanzi, tal-Awtorità.

Kuntratti ta' provvista u ta' xogħlijiet.

**42.** L-Awtorità ma għandhiex, hlief bl-approvazzjoni tal-Ministru mogħtija għal raġunijiet speċjali u wara konsultazzjoni mal-Ministru responsabbli għall-finanzi, tagħti jew tidhol f'xi kuntratt għall-provvista ta' oġġetti jew materjal jew għall-eżekuzzjoni ta' xogħlijiet, jew għall-ghoti ta' servizzi, lil jew għall-benefiċċju tal-Awtorità, li jkun stmat mill-Awtorità li jeċċedi sitt elef u disa' mija u tmienja u tmenin euro u tnax-il ċenteżmu (6,988.12), hlief wara li jkun ġie ppubblikat avviz dwar l-intenzjoni tal-Awtorità li tidhol fil-kuntratt u jkunu nħarġu s-sejħiet għall-offerti relattivi.

Rapport annwali.

**43.** L-Awtorità għandha, mhux aktar tard minn sitt ġimgħat wara tmiem kull sena finanzjarja, tagħmel u tibgħat lill-Ministru u lill-Ministru responsabbli għall-finanzi rapport li jkun generalment jittratta dwar l-attivitajiet tal-Awtorità matul dik is-sena finanzjarja u li jkun fih dik l-informazzjoni relattiva għall-proċedimenti u l-*policy* tal-Awtorità b'dak il-mod li xi wiehed mill-Ministri msemmija jista' minn żmien għal żmien ikun jeħtieġ. Il-Ministru għandu jara li l-kopja ta' kull rapport bħal dak titqiegħed fuq il-Mejda tal-Kamra flimkien mal-estimi kif previst fl-artikolu 37.



## Taqsim IX

## Reati u Pieni

44. (1) Kull persuna li tikser id-dispożizzjonijiet ta' xi Reati. regolamenti magħmula taħt dan l-Att, u kull persuna li tiftiehem jew tipprowa, jew li tgħin, tħajjar, tagħti parir jew tqabba lil xi persuna oħra, biex tikser id-dispożizzjonijiet hawn aktar qabel imsemmija, tkun haġja ta' reat kontra dan l-Att.

(2) Kull persuna li b'konnessjoni ma' xi materja taħt dan l-Att, jew taħt xi regolamenti magħmula permezz ta' dan l-Att -

(a) tagħti informazzjoni li dik il-persuna tkun taf li hija falza f'materjal partikolari, jew b'mod negligenti tagħti informazzjoni li hija falza f'materja partikolari; jew

(b) b'intenzjoni li tqarra, tipproduci, tagħti, tibgħat jew b'xi mod ieħor tagħmel użu minn xi dokument li huwa falz f'materja partikolari; jew

(c) xjentement tirrifjuta jew bla raġuni skont il-liġi, li l-prova ta' dan tmiss lil dik il-persuna, iżzomm xi informazzjoni materjali; jew

(d) xjentement jew b'negligenza tagħmel stqarrija skorretta jew notament fi kwalunkwe *record* jew prospett jew fi kwalunkwe dokument miżmum jew mogħti taħt dan l-Att jew taħt xi regolamenti magħmula taħtu; jew

(e) b'mod mhux legittimu tirrifjuta jew tonqos milli twiegeb skont l-aħjar għarfien tagħha kull mistoqsija magħmula lilha minn ufficjal fit-twettiq tal-funzjonijiet tiegħu; jew tonqos milli tikkoopera mal-ufficjal kompletament fit-twettiq tad-dmirijiet tiegħu; jew

(f) b'mod mhux legittimu tirrifjuta jew tonqos milli tikkonforma ma' xi rekwiżit li jinsab fid-dispożizzjonijiet ta' dan l-Att jew f'xi regolamenti magħmula taħtu; jew

(g) tfixkel ufficjal fit-twettiq ta' dmirijietu taħt dan l-Att jew taħt xi regolamenti magħmula taħtu;

tkun haġja ta' reat kontra dan l-Att jew kontra r-regolamenti magħmula taħtu.

(3) Kull persuna li twettaq reat kontra dan l-Att jew regolamenti magħmula taħt dan l-Att, tehel meta tinstab haġja, il-

piena ta' prigunerija għal perjodu ta' mhux iktar minn sentejn jew multa ta' mhux inqas minn hamest elef euro (€5000) iżda ta' mhux iktar minn hamsa u għoxrin elf euro (€25,000), jew dik il-multa u prigunerija flimkien u barra minn hekk il-qorti tista', fuq talba tal-prosekuzzjoni, tikkancella l-liċenzi, *warrants* jew permessi kollha jew uħud minnhom, mahruġa lil jew f'isem il-persuna misjuba haġja b'konnessjoni mal-post tax-xogħol fejn ir-reat gie kommess:

Iżda l-ebda proċeduri m'għandhom jittieħdu kontra l-persuna li, wara li tiġi msejha mill-Awtorità għall-hlas ta' penali minhabba li tkun kisret xi dispożizzjonijiet ta' dan l-Att - sakemm id-dispożizzjonijiet li jkun sar ksur tagħhom ikunu ta' natura amministrattiva - jew ta' xi regolamenti magħmula tahtu skont it-Tielet Skeda, u thallas dik il-penali lill-Awtorità f'kull każ fi żmien hmistax-il ġurnata mid-data tat-taħrika.

Kap. 9.

(4) Minkejja d-dispożizzjonijiet tal-artikolu 370 tal-Kodiċi Kriminali, il-proċeduri għal reat kontra dan l-Att għandhom jittieħdu quddiem il-Qorti tal-Maġistrati (Malta) jew il-Qorti tal-Maġistrati (Għawdex), skont il-każ, bhala qorti ta' ġudikatura kriminali.

(5) Fil-proċeduri msemmija fis-subartikolu preċedenti, l-Uffiċjal Eżekuttiv Prinċipali jew xi uffiċjal delegat mill-istess Uffiċjal Eżekuttiv Prinċipali jista' jeżamina jew jagħmel kontro-eżami lix-xhieda, jipproduċi provi, jagħmel sottomissjonijiet favur it-taħrika u b'mod ġenerali jmexxi l-prosekuzzjoni għan-nom tal-pulizija, u l-affidavit tal-uffiċjal li jkun delegat għal dak il-għan għandu jkun prova konklussiva ta' dak il-fatt.

(6) Minkejja d-dispożizzjonijiet tas-subartikolu preċedenti l-Uffiċjal Eżekuttiv Prinċipali jew l-uffiċjal delegat skont is-subartikolu (5) jista' jipproduċi xhieda iżda kemm-il darba x-xhieda tagħhom tkun meħtieġa bhala parti mill-każ tal-prosekuzzjoni, dawn għandhom jinstemgħu qabel jibdedw jagixxu skont id-dispożizzjonijiet tas-subartikolu (5) sakemm il-ħtieġa tax-xhieda tagħhom ma tqumx wara.

Kap. 9.

(7) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, l-Avukat Ġenerali dejjem għandu dritt ta' appell minn kull sentenza mogħtija mill-Qorti tal-Maġistrati (Malta) jew mill-Qorti tal-Maġistrati (Għawdex) rigward il-proċeduri għal kull tip ta' reat kontra dan l-Att jew regolamenti magħmula taht dan l-Att.

Kap. 9.

(8) Il-pieni previsti f'dan l-Att għandhom japplikaw sakemm il-fatt ma jkunx jikkostitwixxi reat iktar serju taht il-Kodiċi Kriminali jew xi liġi oħra, f'liema każ għandhom japplikaw id-dispożizzjonijiet tal-Kodiċi Kriminali jew tal-liġi l-oħra.

(9) Minkejja d-dispożizzjonijiet tal-Kodiċi Kriminali, il-proċeduri għal reat taht dan l-Att jistgħu jibdeu f'kull żmien minn meta jsir ir-reat. Kap. 9.

45. F'każ ta' nuqqas ta' konformità, l-Awtorità għandha timponi penali amministrattiva ta' mhux inqas minn ħamest elef euro (€5,000) iżda mhux iktar minn għaxart elef euro (€10,000) jew f'każ ta' kontinwazzjoni tan-nuqqas ta' konformità, penali kuljum ta' mhux inqas minn ħames mitt euro (€500) iżda mhux iktar minn tlett elef u ħames mitt euro (€3,500) għal kull gurnata li jibqa' għaddej in-nuqqas ta' konformità. Penali amministrattivi.

46. F'kull sett ta' *standards* regolatorji, l-Awtorità għandha tinkludi linji gwida dwar il-penali amministrattivi li għandhom jehlu l-fornituri tas-servizzi meta ma jkunux konformi, skont id-dispożizzjonijiet tal-artikolu 43; dawk il-linji gwida għandhom, kulfejn possibbli, jieħdu konsiderazzjoni taċ-ċirkostanzi differenti ta' kull każ. Standards regolatorji.

47. Kull piena stabbilita għal kull reat f'din it-Taqsima għandha tkun bla ħsara għal kull piena oħra għal kull reat ieħor taht kull liġi applikabbli oħra jew taht kull regolament ieħor magħmul taht dan l-Att. Eċċezzjonijiet.

48. L-Awtorità għandu jkollha s-setgħa li tistabbilixxi kriterji għad-dispożizzjoni tal-penali li għandhom jiġu imposti minnha skont iċ-ċirkostanzi tal-każijiet preskritti inkluż is-sospensjoni u, jew ir-revoka tal-liċenza. Kriterji stabbiliti għall-pieni.

## Taqsim X

### Mixxellanji

49. Il-Ministru jista' b'ordni jagħmel dawk id-dispożizzjonijiet inċidentali, konsegwenzjali jew supplimentari, skont kif meħtieġ jew spedjenti sabiex ikun żgurat u jagħti effett shiħ għat-trasferiment ta' kull impriża jew kull dritt, setgħa, responsabbiltà jew obbligu lill-Awtorità permezz jew taht dan l-Att u jista' jagħmel dawk l-ordnijiet skont kif meħtieġ sabiex jagħmel dawk il-poteri u d-dmirijiet eżerċitati mill-Gvern, rigward dak kollu li huwa trasferit lill-Awtorità permezz ta' dan l-Att, eżerċitabbli minn u għan-nom tal-Awtorità. Setgħa tal-Ministru li jagħmel ordnijiet.

50. (1) Il-Ministru, fuq parir tal-Awtorità, jista' jagħmel regolamenti sabiex jagħti effett aħjar lid-dispożizzjonijiet ta' dan l-Att u bla ħsara għall-ġeneralità tad-dispożizzjonijiet preċedenti, jista' permezz ta' dawn ir-regolamenti, jippreskrivi kull haġa li hija jew li tista' tkun preskritta sabiex jipprovdi għal kull materja konsegwenzjali, inċidentali jew li hija konnessa ma' xi materja Setgħa tal-Ministru li jagħmel ir-regolamenti.

msemmija aktar 'il fuq.

(2) Il-Ministru, waqt li jaġixxi fuq il-parir tal-Awtorità, jista', minn żmien għal żmien, jaġmel regolamenti sabiex jemenda, jissostitwixxi, iżid jew mod ieħor jimmodifika kull haġa li tinsab fl-Iskedi għal dan l-Att.

Dispożizzjonijiet transitorji.  
Kap. 31.

**51.** (1) Is-setgħat ta' liċenzjar għal djar għall-persuni anzjani skont l-artikolu 98 tal-Ordinanza dwar il-Professjoni Medika u l-Professjonijiet li għandhom x'jaqsmu magħha għandhom jiġu vestiti fl-Awtorità stabbilita taħt dan l-Att:

Kap. 31.

Iżda, kull decizjoni jew liċenza mogħtija taħt l-artikolu 98 tal-Att dwar il-Professjoni Medika u Professjonijiet li għandhom x'jaqsmu magħha, qabel il-bidu fis-seħħ ta' dan l-Att, għandhom jibqgħu fis-seħħ bhallikieku d-decizjoni jew il-liċenza ġew mogħtija taħt id-dispożizzjonijiet relattivi ta' dan l-Att bla ħsara għall-osservanza tal-kondizzjonijiet kollha stipulati f'dan l-Att.

(2) L-*istandards* stabbiliti fl-Ewwel Skeda għandhom ikunu implimentati kompletament mid-djar ta' kura u infermerija kollha kemm jekk jekk privati kif ukoll jekk pubbliċi fuq perjodu ta' għaxar snin. Mat-twaqqif tal-Awtorità, issir spezzjoni fid-djar privati u pubbliċi ta' kura u infermerija u għandu jiġi stabbilit perjodu ta' żmien għall-implimentazzjoni kompluta u totali tal-*istandards*, liema perjodu m'għandux jeċċedi l-massimu ta' għaxar snin.

(3) L-Awtorità għandha twettaq spezzjonijiet interim sabiex tevalwa l-istatus tal-progress tal-eżerċizzju tal-implimentazzjoni u kemm-il darba l-fornitur tas-servizz ifalli milli jzomm mal-programm ta' implimentazzjoni kif stabbilit, għandha tiġi imposta piena amministrattiva minhabba n-nuqqas ta' konformità u tiġi sospiza jew revokata l-liċenza skont il-każ.

Emenda  
konsegwenzjali  
tal-artikolu 98  
Att dwar il-  
Professjoni  
Medika u  
Professjonijiet li  
għandhom  
x'jaqsmu  
magħha.  
Kap. 31.

**52.** Fis-subartikolu (1) tal-artikolu 98 tal-Att dwar il-Professjoni Medika u Professjonijiet li għandhom x'jaqsmu magħha l-kliem "dar ta' infermerija, dar għax-xjuħ," għandhom jiġu mhassra.

## Skeda 1

*Standards Minimi*

## KAPITOLU 1 - Obbligi tad-Dar

## Daħla

Kull Dar għandha tipprovdi Gwida għar-Residenti komprensiva bil-miktub, disponibbli wkoll onlajn, li tistabilixxi:

- id-dikjarazzjoni tal-għanijiet - l-għanijiet u l-objettivi tad-detentur tal-liċenza;
- il-firxa ta' faċilitajiet, servizzi u tagħmir disponibbli għar-residenti;
- il-*policy* komprensiva ta' rilokazzjoni li tqis kemm l-interessi tad-Dar kif ukoll tar-residenti;
- il-pattijiet u l-kundizzjonijiet li bihom jiġu pprovduti s-servizzi kollha fil-kuntratt ma' kull persuna residenti.

Ir-residenti prospettivi kollha u, jew ir-rappreżentanti maħtura legalment, għandhom għalhekk ikunu jistgħu jagħmlu għazliet infurmata dwar jekk id-Dar tistax tissodisfa l-htigiet partikolari tal-individwu. Id-"Dikjarazzjoni tal-Għanijiet" tad-detentur tal-liċenza u l-arrangamenti kuntrattwali li jkun daħal fihom ma' kull persuna residenti għandhom jippermettu lill-isperturi jivvalutaw sa liema punt id-Dar qed tissodisfa l-obbligi tagħha biex tissodisfa l-htigiet u l-aspettattivi tar-residenti li jintisgu minn pjan ta' kura individwali aġġornat regolarment.

*Standard 1 - Informazzjoni*

## RIŻULTATI

Ir-residenti prospettivi u l-qraba tagħhom u, jew ir-rappreżentant tagħhom għandhom, f'kull ħin, ikollhom l-informazzjoni kollha dwar il-faċilitajiet u s-servizzi speċifiċi pprovduti mid-dar ta' kura biex jippermettulhom jieħdu deċiżjoni infurmata dwar jekk id-Dar hijiex kapaċi tipprovdi l-kura xierqa għall-individwu.

## 1.1 Id-detentur tal-liċenza għandu jagħmel disponibbli għar-

residenti kollha Dikjarazzjoni tal-Għanijiet aġġornata li tistipula l-għanijiet, l-oġġettivi, is-servizzi, il-facilitajiet, il-filosofija tal-kura u l-kundizzjonijiet tad-Dar u jipprovdi Gwida għad-Dar dettaljata u komprensiva għar-residenti eżistenti u prospettivi. Id-Dikjarazzjoni tal-Għanijiet tagħti dettalji wkoll tal-istandards tal-ambjent fiziku li tissodisfa d-Dar fir-rigward tal-istandards strutturali dettaljati fit-Taqsima 5, u sommarju ta' din l-informazzjoni huwa inkluż fil-Gwida għar-Residenti (dan kollu għandu jkun disponibbli onlajn).

1.2 Il-Gwida għar-Residenti għandha tinkiteb bil-Malti u bl-Ingliż f'format xieraq għar-residenti maħsuba (bħal test simplifikat, simboli, test bl-istampi, tipi ikbar u kuntrast tajjeb) u għandha tinkludi:

- deskrizzjoni sħiħa tas-servizzi kollha pprovduti (inkluż dawk ta' saħħa, nutrizzjoni, soċjali, kulturali, spiritwali u edukattivi) bid-dettalji tat-tariffi fejn japplika;
- deskrizzjoni preċiża tal-kmamar individwali u tal-ispazju komuni pprovdut;
- kwalifiki u esperjenza rilevanti tad-detentur tal-liċenza, tal-manigġers kollha u tal-istaff kuranti direttament;
- in-numru massimu ta' postijiet residenzjali pprovduti u kwalunkwe hteġġa jew interess speċjali li huwa kopert;
- kopja tal-izjed rapport riċenti tal-ispezzjoni;
- kopja tal-proċedura tal-ilmenti;
- sommarju aġġornat tal-opinjoni tar-residenti dwar id-Dar tagħhom.

1.3 Ir-residenti u l-qraba tagħhom għandhom jiġu pprovduti b'informazzjoni bil-miktub u onlajn bil-Malti u bl-Ingliż dwar kif jista' jsir kuntatt mar-Regolatur.

## *Standard 2 - Kuntratt*

### RIŻULTATI

Kull persuna residenti għandha kuntratt bil-miktub mad-Dar. L-addendum għandu jiġi mmodifikat wara tibdil fl-attivitajiet tal-ħajja ta' kuljum tal-persuna residenti wara konsultazzjoni bejn il-manigġer

tad-Dar u t-tabib magħżul mill-persuna residenti.

2.1 Kull persuna residenti għandha tinghata kuntratt bid-dettalji tal-pattijiet u l-kundizzjonijiet meta tidhol fid-Dar.

2.2 Il-kuntratt għandu jinkludi:

- id-dettalji tal-kamra li se tiġi okkupata, inkluż il-faċilitajiet għall-ħasil disponibbli, u li jispeċifikaw b'mod ċar in-numru massimu ta' okkupanti għal kull kamra;
- lista komprensiva tas-servizzi pprovduti (inkluż dawk tas-saħħa, l-ikel u n-nutrizzjoni, rikreattivi, eċċ. bid-dettalji tal-ħlasijiet addizzjonali fejn japplika);
- il-ħlasijiet dovuti u minn min (il-persuna residenti, qraba jew oħrajn);
- id-drittijiet u l-obbligi tal-persuna residenti u tal-proprjetarju/maniġer bid-dettalji tar-responsabbiltà meta jkun hemm ksur tal-kuntratt;
- l-ispeċifikazzjonijiet tal-kamra tal-persuna residenti u l-pattijiet u l-kundizzjonijiet tal-okkupanza (inkluż il-perjodu ta' avviz jekk u fejn dan japplika, u l-possibbiltà ta' trasferiment tas-sodda/tal-kamra);
- *policy* komprensiva ta' rilokazzjoni;
- il-ħinijiet tal-ikel u tal-iklet ħfief għandhom jiġu speċifikati;
- għal dawk ir-residenti li jeħtieġu l-assistenza meta jinħaslu - għandhom jiġu speċifikati l-ġranet u l-ħinijiet meta dan isir;
- id-dettalji sħaħ tar-responsabbiltajiet tad-detentur tal-liċenza lejn ir-residenti kollha fil-każ li d-Dar ikollha tagħlaq, u l-kuntratt għandu jinkludi klawwsola li tirreferi għall-perjodu minimu ta' avviz li għandu jinghata lir-residenti fejn dan ikun japplika.

2.3 L-addendum għall-kuntratt għandu jispeċifika l-livell ta' kura meħtieġ abbazi tal-valutazzjoni inizjali tat-tabib u evalwata skont l-Indiċi Barthel 20. Il-valutazzjoni inizjali tat-tabib għandha tiġi rreġistrata fil-fajl tal-persuna residenti. L-addendum għandu jiġi mmodifikat wara tibdil fl-attivitajiet tal-ħajja ta' kuljum tal-persuna residenti wara konsultazzjoni bejn il-manjiġer tad-Dar u t-tabib

magħżul mill-persuna residenti.

*Standard 3 – Valutazzjoni tal-Ħtiġiet*

**RIŻULTATI**

L-ebda individwu ma jidhol fid-Dar mingħajr ma jkollu l-ħtiġiet tiegħu/tagħha vvalutati u jkun ġie żgurat bil-miktub li dawn se jiġu ssodisfatti.

3.1 Ir-residenti l-ġodda għandhom jiġu aċċettati biss wara valutazzjoni shiħa li ssir minn staff iċċertifikat fil-qasam tal-kura ġerjatrika (irreferi għall-Kapitolu 6 - L-Istaff). Din il-valutazzjoni tiffirma l-bażi ta' pjan komprensiv ta' kura. Il-persuna residenti prospettiva, ir-rappreżentant tagħha (jekk ikun hemm) u professjonisti rilevanti għandhom ikunu involuti bis-shiħ kemm fil-proċess tal-valutazzjoni kif ukoll fil-formulazzjoni tal-pjan ta' kura.

3.2 Kull persuna residenti għandu jkollha pjan ta' kura għall-ħajja ta' kuljum u riżultati iżjed fit-tul ibbażati fuq il-proċessi ta' valutazzjoni tal-ħtiġiet. Dan il-pjan għandu jiġi mmodifikat skont it-tibdil fil-ħtiġiet ta' kull persuna residenti kif muri fil-valutazzjoni trimestrali jew wara fażi akuta.

3.3 L-infermier/a għandhom jivvalutaw mill-ġdid kull tliet xhur il-ħtiġiet ta' kull persuna residenti jew wara fażi akuta bl-użu tal-Indiċi Barthel 20 jew kwalunkwe għodda oħra ekwivalenti jew superjuri għall-Attivitajiet tal-Ħajja ta' Kuljum u kwalunkwe għodda addizzjonali oħra meħtieġa (eż. il-punteġġ tal-*Mini-Mental*, il-Punteġġi Braden jew Waterlow, eċċ.) u fejn meħtieġ jinforma lit-tabib tal-persuna residenti skont dan.

Il-manijer għandu jirrikonoxxi kwalunkwe tibdil fil-ħtiġiet ta' kull persuna residenti u għandu jiżgura bil-miktub li dawn ser jiġu ssodisfatti. Il-manijer għandu jiżgura wkoll li dan it-tibdil jiġi kkomunikat lill-istaff u tingħata *handover* tajba meta meħtieġ.

3.4 Il-pjan ta' kura għandu jinkludi dettalji dwar:

(a) il-kura bażika u l-assistenza fl-Attivitajiet tal-Ħajja ta' Kuljum;

(b) ċkura mill-infermiera u kura medika speċjalizzata fejn dan ikun meħtieġ.

3.5 Kull persuna residenti għandu jkollha membru tal-istaff



allokat li jkun responsabbli biex jiżgura li r-rekwiziti dettaljati fil-pjan ta' kura tal-persuna residenti jiġu implimentati bis-sħiħ. Din il-persuna għandha tikkollabora mal-persuna residenti u l-qraba biex tispjegalhom bis-sħiħ il-pjan ta' kura.

3.6 Għandu jkun hemm analiżi medika mal-ammissjoni u valutazzjoni mill-ġdid wara kwalunkwe okkorrenza gravi jew kif ordnat mill-persuna residenti jew mill-persuni li jduru biha.

#### *Standard 4 – Issodisfar Kontinwu tal-Ħtiġiet*

##### RIŻULTATI

Ir-residenti u r-rappreżentanti tagħhom jafu li d-Dar li ser jidhlu fiha ser tissodisfa l-ħtiġiet tagħhom u ser tkompli tagħmel dan meta dawn jinbidlu.

4.1 Id-detentur tal-liċenza għandu jkun kapaċi juri l-kapaċità tad-Dar li tissodisfa l-ħtiġiet ivvalutati (inkluż ħtiġiet speċjalizzati) ta' individwi aċċettati fid-Dar.

4.2 Is-servizzi speċjalizzati kollha offruti (eż. servizzi għal persuni bid-dimenzja jew b'diżabilità konjittiva oħra, b'indeboliment tas-sensi, b'diżabilità fiżika, kura intermedja jew tal-mistrieħ) għandhom ikunu bbażati b'mod evidenti fuq il-prattika tajba attwali, u jirriflettu l-gwida speċjalizzata u klinika rilevanti.

4.3 Il-ħtiġiet u l-preferenza ta' gruppi speċifiċi ta' minoranza etnika, kulturali jew reliġjuża għandhom jiġu mifhuma u ssodisfatti.

4.4 L-istaff b'mod individwali u kollettiv għandu jkollu l-ħiliet u l-esperjenza biex iwassal is-servizzi u l-kura li d-Dar toffri li ttiprovdi.

4.5 Id-detentur tal-liċenza għandu jkun responsabbli għall-forniment ta' tagħmir bażiku meħtieġ mir-residenti skont il-ħtiġiet ivvalutati tagħhom. Dan it-tagħmir għandu jinkludi sigġijiet tar-roti konvenzjonali, paranki, sodod bl-għoli aġġustabbli, tazzi għall-iġestjoni anormali, saqqijiet li jserrħu mill-ġrieħi tas-sodda u mhaded li jserrħu mill-ġrieħi tas-sodda għar-residenti kollha li jkunu jeħtiġuhom.

4.6 Id-detentur tal-liċenza għandu jiżgura li kwalunkwe xogħol li jiġi mogħti lil sottokuntrattur ikun kopert b'kuntratt li jistipula b'mod ċar il-kwalità tas-servizz li s-sottokuntrattur huwa mistenni li jipprovdi. Id-detentur tal-liċenza għandu jkun

responsabbli biex jiżgura li dawn l-*standards* jinżammu dejjem ukoll meta s-servizzi jinghataw minn aġenzija esterna.

## *Standard 5 - Żjarat bi Prova*

### RIŻULTATI

Ir-residenti prospettivi u l-qraba u l-ħbieb tagħhom għandhom opportunità li jżuru u jivvalutaw il-kwalità, il-faċilitajiet u l-adeqwatezza tad-Djar.

5.1 Id-detentur tal-liċenza għandu jiżgura li r-residenti prospettivi jiġu mistiedna jżuru d-Dar kif ukoll jgħixu hemm bi prova qabel huma u, jew ir-rappreżentant tagħhom jagħmlu d-deċiżjoni li jibqgħu hemm. L-ammissjonijiet mhux ippjanati jiġu evitati fejn possibbli, u għandhom isehħu biss f'sitwazzjonijiet ta' emerġenza.

5.2 Meta sseħħ xi ammissjoni ta' emerġenza fi kwalunkwe Dar (pubblika u privata), id-detentur tal-liċenza għandu jintrabat li jinforma lill-persuna residenti u, jew ir-rappreżentant tagħha fi żmien 72 siegħa dwar il-karatteristiċi ewlenin tad-Dar, is-servizzi disponibbli, ir-regoli u l-proċeduri ta' rutina, u li jissodisfa l-kriterji tal-ammissjoni l-oħra kollha stabbiliti fi *Standards* 2-4 fi żmien 15-il ġurnata ta' xogħol.

## KAPITOLU 2 - Kura tas-Saħħa u Kura Personali

### Daħla għall-*Istandards* minn 6 sa 10

Il-kura tas-saħħa u l-kura personali tar-residenti għandhom ikunu bbażati fuq il-ħtiġiet u x-xewqat individwali speċifiċi tagħhom b'mod raġonevoli. Għalhekk, il-proċess tal-valutazzjoni u l-pjan ta' kura tal-individwu huma meqjusa bħala kruċjali biex jinżammu l-*standards*. Ir-riżultati tal-valutazzjonijiet inizjali u dawk trimestrali huma l-bażi tal-pjan ta' kura, li mbagħad isiru l-kejl għall-verifika tal-għoti tal-kura. Il-Pjan ta' Kura huwa dokument dinamiku, li għandu jiġi rivedut u jista' jinbidel kull tliet xhur (jew iżjed qabel fil-każ ta' tibdil sinifikanti fil-kundizzjoni tal-persuna residenti) skont il-ħtiġiet ivvalutati tal-persuna residenti.

Id-detentur tal-liċenza/maniġer registrat jassumi r-responsabbiltà aħħarija biex jiġu sodisfatti dawn l-*standards*, inklużi t-tweqqif ta' valutazzjoni komprensiva u pjan ta' kura aġġornat għal kull persuna residenti. Ir-residenti godda jiġu aċċettati biss jekk id-

detentur tal-liċenza jintrabat b'mod kuntrattwali li jissodisfa bis-sħih il-htigiet tal-persuna residenti prospettiva kif iddeterminat minn dik il-valutazzjoni. Fil-każ eċċezzjonali ta' ammissjonijiet ta' emerġenza, dan għandu jsir fi żmien hamest ijiem ta' xogħol sussegwenti. L-ammissjonijiet ta' emerġenza għandhom jingħataw kuntratt ta' ammissjoni ta' emerġenza temporanju, li jkun applikabbli fil-perjodu interim sakemm jiġi ffirmat il-kuntratt ta' ammissjoni regolari.

#### *Standard 6 - Pjan ta' Kura Individwali tal-Persuna Residenti*

##### RIŻULTATI:

Il-htigiet tas-saħħa, personali u soċjali identifikati tal-persuna residenti u kif ser jiġu sodisfatti għandhom jiġu ddokumentati b'mod ċar fi Pjan ta' Kura Individwali li jiġi aġġornat regolarment.

6.1 Il-pjan ta' kura ta' persuna residenti gġenerat minn valutazzjoni komprensiva (ara *Standard 3*) għandu jiffassal bl-involviment tal-persuna residenti u l-qraba u, jew ir-rappreżentant. Għandu jiġi rreġistrat fi stil aċċessibbli għar-resident, u maqbul u ffirmat mill-persuna residenti u, jew ir-rappreżentant jekk applikabbli. Dan il-pjan għandu jipprovdi l-bażi għall-kura li għandha tingħata.

6.2 Il-pjan ta' kura individwali għandu jistabbilixxi fid-dettall l-azzjoni li jeħtieġ li tittiehed mill-istaff kuranti biex jiġi żgurat li l-aspetti kollha tal-htigiet tas-saħħa, personali, spiritwali u soċjali tal-persuna residenti (ara *Standard 3*) jiġu sodisfatti.

6.3 Il-pjan ta' kura individwali għandu jkun ibbażat fuq ir-riżultati tal-valutazzjonijiet inizjali u kontinwi, inkluż ir-riżultati mill-Indiċi Barthel 20.

6.4 Sabiex ikun jirrifletti l-htigiet li qed jinbidlu, il-pjan ta' kura individwali għandu jiġi rivedut u aġġornat mill-infermier/a inkarigati jew id-delegat tiegħu/tagħha tal-inqas darba kull tliet xhur, jew wara kwalunkwe tibdil sinifikanti fil-kundizzjoni ġenerali medika, psikologika, fl-imġiba, jew soċjali. Skont kif jitlob il-każ, għandu jinkiseb il-parir ta' professjonisti oħra tas-saħħa. Huwa rakkomandat li ssir valutazzjoni multidixxiplinarja annwali ta' rutina.

6.5 Il-persuna residenti, il-qraba jew ir-rappreżentant tagħha (fejn japplika) għandhom jingħataw informazzjoni dwar il-pjan ta' kura u kwalunkwe modifika sinifikanti sussegwenti.

6.6 Il-persuna residenti u, jew ir-rappreżentant tagħha għandu

jkollhom d-dritt li jirrifjutaw kwalunkwe trattament dettaljat fil-pjan ta' kura. Kull rifjut bhal dan għandu jiġi ffirmat mill-persuna residenti jew ir-rappreżentant tagħha, u ddokumentat.

*Standard 7 - Kura tas-Sahħa*

**RIŻULTATI:**

Ir-residenti jzommu l-awtonomija tagħhom fir-rigward tad-deċiżjonijiet dwar il-kura tas-saħħa tagħhom, u għandu jkun hemm fis-seħħ *policy* u proċeduri xierqa biex jippermettu l-aċċess għas-servizzi tal-kura tas-saħħa fiżika u mentali kif meħtieġ.

7.1 Id-detentur tal-licenza għandu jippromwovi u jipprovdi kontinwament it-tisħiħ tas-saħħa u s-sikurezza tar-residenti kollha u jiżgura l-aċċess għal servizzi ta' kura tas-saħħa xierqa fil-hin li jkunu meħtieġa.

7.2 L-istaff kuranti għandu jiżgura li l-igjene personali u orali tar-residenti tinzamm kif xieraq. Ir-residenti għandhom jiġu inkuraġġiti jwettqu l-attivitajiet bażiċi tal-ħajja ta' kuljum u l-attivitajiet indipendenti tal-ħajja ta' kuljum sakemm tippermettilhom saħħithom.

7.3 Professjonist imħarreg b'mod adegwat għandu jivvaluta lil dawk ir-residenti li jkunu żviluppaw griegi tas-sodda fuq bażi ta' kull gimgħa, u għandhom jiġu implimentati miżuri xierqa skont dan. L-osservazzjonijiet kollha u l-pjani ta' ġestjoni għandhom jiġu ddokumentati. Madankollu dawk ir-residenti f'riskju li jiżviluppaw griegi tas-sodda għandhom jiġu mmonitorjati kuljum. L-identifikazzjoni tal-griegi tas-sodda għandha tikkostitwixxi okkorrenza gravi u għandha tittiehed azzjoni xierqa minnufih, tiġi rreġistrata fil-pjan ta' kura individwali u rrapportata lir-Regolatur. Il-progress tal-persuna residenti għandu jiġi mmonitorjat kull gimgħa bl-użu tal-Iskala Braden jew kwalunkwe għodda oħra ekwivalenti jew superjuri.

7.4 Il-griegi tas-sodda, il-kura tagħhom u r-riżultati għandhom jiġu rreġistrati fil-pjan ta' kura individwali tal-persuna residenti u riveduti tal-inqas darba fil-gimgħa.

7.5 It-tagħmir meħtieġ għall-promozzjoni tal-vijabbiltà tat-tessuti u l-prevenzjoni jew il-kura tal-griegi tas-sodda għandu jkun disponibbli u pprovdut lir-residenti fir-riskju ta' jew li jsofru minn griegi tas-sodda.

7.6 Id-detentur tal-liċenza għandu jiżgura li jinkiseb parir professjonali dwar il-promozzjoni tal-kontinenza u tittiehed azzjoni dwaru, u li jiġu pprovduti l-għajjuniet u t-tagħmir meħtieġa.

7.7 Is-saħħa mentali tal-persuna residenti għandha tiġi mmonitorjata b'mod regolari matul il-valutazzjonijiet trimestrali jew iżjed qabel jekk meħtieġ, u għandha tittiehed azzjoni preventiva u terapewtika f'waqtha.

7.8 Id-Dar ta' Kura għandu jkollha *policy* amministrattiva u proċedura rigward l-użu ta' sedattivi u medikazzjoni antipsikotika għall-immaniġġjar ta' manifestazzjoni ta' mgħiba u psikoloġika ta' problemi ta' saħħa mentali, u dawn il-*policies* u l-proċeduri għandhom ikunu disponibbli għar-residenti u għal dawk is-sostituti mahtura legalment biex jieħdu d-deċiżjonijiet għalihom.

7.9 Il-kura kollha mogħtija fid-djar ta' kura għandha tingħata minn professjonisti tal-kura tas-saħħa kkwalfikati skont l-*standards* u l-linji gwida tal-aħjar prattika rikonoxxuti fuq livell nazzjonali u internazzjonali għall-Ottimizzazzjoni tat-Trattament u l-Kura tal-Persuni.

7.10 L-istaff kuranti direttament għandu jkun imħarreg kif xieraq biex jirrikonoxxi l-imgħiba ta' thassib kif ukoll l-immaniġġjar ta' tali imgħiba mingħajr ma jirrikorri għall-użu ta' restrizzjonijiet jew filwaqt li tiġi applikata l-inqas restrizzjoni possibbli.

7.11 L-użu tal-medikazzjoni kollha għandu jiġi rivedut tal-inqas kull tliet xhur bħala parti mill-valutazzjoni trimestrali, u l-użu kontinwu tagħhom jiġi ggustifikat b'mod mediku u ddokumentat fil-pjan ta' kura individwali.

7.12 Għandhom jingħataw opportunitajiet ta' kuljum għall-eżerċizzju u l-attività fiżika xierqa għall-htigiet u l-kapaċitajiet ta' kull persuna residenti. L-aċċess għall-valutazzjoni u l-forniment ta' apparat u għajjuniet xierqa kif speċifikati minn terapista kkwalfikat għandhom jiġu pprovduti wkoll għar-residenti identifikati li huma fir-riskju ta' waqgħat.

7.13 L-iskrinjar nutrizzjonali għandu jsir mal-ammissjoni u sussegwentement fuq bażi ta' kull tliet xhur. Għandu jinżamm rekord kontinwu tad-doża nutrizzjonali ta' kull persuna residenti fir-riskju, inklużi zieda jew telf ta' piż, u tal-azzjoni xierqa li tkun ittieħdet.

7.14 Ir-residenti għandhom jingħataw aċċess għal tabib tal-familja u d-dettalji ta' kuntatt tat-tabib identifikat għandhom jiġu ddokumentati b'mod ċar fil-pjan ta' kura individwali.

7.15 Il-persuna residenti għandha tinghata aċċess għal servizzi speċjalizzati mediċi, ta' *nursing*, għas-snien, nutrizzjonali, farmaċewtiċi, ta' podjatrija, u s-servizzi l-oħra kollha terapewtiċi, u għal sptarjiet u servizzi tas-saħħa fil-komunità skont il-htigiet tagħha.

7.16 Ir-residenti għandhom jinghataw l-aċċess għas-servizzi tat-testijiet tas-smiġh u tal-vista, u għas-servizzi li jipprovdu l-għajnuniet xierqa, skont il-htigiet tagħhom.

7.17 Id-djar ta' kura għandu jkollhom *policy* ċara dwar l-inqas restrizzjonijiet possibbli li tinkludi l-użu ta' restrizzjoni fiżika u kimika. L-istaff kuranti direttament għandu jkun imharreg f'din il-*policy* u d-detentur tal-liċenza għandu jzomm reġistru tal-użu kollu ddokumentat ta' restrizzjoni, li għandu jsir disponibbli għar-Regolatur.

#### *Standard 8 - Medikazzjoni*

##### RIŻULTATI:

Ir-riċetti, il-ħażna, it-tnejjija, l-amministrazzjoni, ir-rimi, u d-dokumentazzjoni kollha tal-medikazzjoni għandhom isegwu *policy* u proċeduri bil-miktub, u d-detentur tal-liċenza jintrabat li l-istaff kuranti direttament kollu jkun konxju tal-*policy* u mharreg fil-proċeduri.

8.1 Id-detentur tal-liċenza għandu jiżgura li jkun hemm *policy* u proċedura fis-seħħ dwar l-aspetti kollha tal-kura farmaċewtika fid-Dar, inklużi r-riċetti, il-ħażna, it-tnejjija, l-amministrazzjoni, ir-rimi, u d-dokumentazzjoni tal-medikazzjoni. Din il-*policy* għandha tkun konformi mal-linji gwida u l-legiżlazzjoni nazzjonali rilevanti.

8.2 Id-detentur tal-liċenza għandu jintrabat li l-istaff kuranti direttament kollu involut fi kwalunkwe aspekt tal-kura farmaċewtika jkun imharreg b'mod adegwat fil-proċeduri, u jintalab jikkonferma bil-miktub li qara l-*policy* u l-proċeduri dwar il-kura farmaċewtika fid-Dar.

8.3 Għandhom jinżammu notamenti tal-mediċini kollha riċevuti, amministrati u li jinħarġu mid-Dar jew jintremew biex jiġi żgurat li ma jkunx hemm maniġġjar ħażin ta' medikazzjoni.

8.4 Għandu jinżamm rekord aġġornat tal-medikazzjoni attwali miktuba bir-riċetta għal kull persuna residenti, u l-amministrazzjoni ta' kull medikazzjoni għal kull pazjent tiġi ddokumentata kif xieraq

billi jiġi indikat b'mod ċar il-ħin tal-amministrazzjoni u l-istaff li qed jamministra l-medikazzjoni.

8.5 Il-medikazzjoni kollha li tinkludi, iżda mhux biss, drogi kontrollati, għandha tiġi amministrata minn staff imħarreg kif xieraq sakemm il-persuna residenti ma tagħzilx li timmedika lilha nnifisha. Il-*policy* u l-proċeduri tad-Dar ta' Kura għandhom jipprovdu istruzzjonijiet ċari dwar l-identifikazzjoni tar-residenti li jistgħu jimmedikaw lilhom infushom.

8.6 L-amministrazzjoni tad-drogi kontrollati għandha tikkonforma mal-linji gwida u l-leġiżlazzjoni nazzjonali rilevanti.

8.7 Id-detentur tal-liċenza għandu jintrabat li l-istaff kuranti kollu involut fil-kura farmaċewtika għandu jkun imħarreg kif xieraq, inkluż imma mhux ristrett għal, taħriġ fl-għarfien bażiku dwar l-amministrazzjoni tal-mediċini u dwar kif jiġu rikonoxxuti u indirizzati kumplikazzjonijiet possibbli, dwar il-prinċipji u l-proċeduri li huma l-bażi tal-aspetti kollha tal-*policy* u l-proċeduri tad-Dar dwar il-kura farmaċewtika, u dwar id-dokumentazzjoni xierqa.

8.8 Il-*policy* u l-proċeduri ta' kura fir-rigward tal-mediċini għandhom jinkludu proċeduri rilevanti għall-awtomedikazzjoni mir-residenti li huma kapaċi u jagħzlu li jimmedikaw lilhom infushom. (Irreferi għall-Abbozz ta' *Standards* dwar l-Użu tal-Mediċini disponibbli fuq [https://ehealth.gov.mt/HealthPortal/public\\_health/publichealthregulation/standards\\_to\\_guidelines.aspx](https://ehealth.gov.mt/HealthPortal/public_health/publichealthregulation/standards_to_guidelines.aspx) ).

8.9 L-amministrazzjoni u r-rimi tad-drogi kontrollati għandhom jiġu rreġistrati b'mod separat u jkunu suġġetti għal verifika regolari mid-detentur tal-liċenza u mill-awtoritajiet regolatorji.

8.10 Id-detentur tal-liċenza jew id-delegat tiegħu/tagħha għandhom ifittxu l-informazzjoni u l-parir mingħand spizjar jew tabib tal-familja rigward kwalunkwe mistoqsija li tista' tqum dwar il-medikazzjoni ta' kull persuna residenti.

8.11 Għar-residenti li jkollhom riċetta għal sedattivi u medikazzjoni antipsikotika għall-immaniġġjar ta' imġiba ta' tħassib, dan it-trattament għandu jiġi rivedut tal-inqas kull 6 xhur jew kif speċifikat fi kwalunkwe *Standards* lokali rilevanti fis-seħħ minn żmien għal żmien. L-istaff kuranti direttament għandu jimmonitorja l-kundizzjoni tar-residenti li jieħdu l-medikazzjoni u jsejjah lit-tabib li kiteb ir-riċetta jew lit-tabib tal-familja jekk ikun hemm xi tibdil fil-kundizzjoni tagħhom li tista' tkun ir-riżultat tal-medikazzjoni tagħhom.

8.12 Meta tmurt persuna residenti, il-medikazzjoni li ma tkunx intużat li tapparteni għall-persuna residenti għandha tintuża jew tintrema skont kif speċifikat mil-leġiżlazzjoni lokali rilevanti.

*Standard 9 - Privatezza u Dinjità*

**RIŻULTATI:**

Ir-residenti kontinwament jafferu li qed jiġu trattati b'rispett, li d-dritt tagħhom għall-privatezza qed jiġi mħares, u li d-dinjità tagħhom qed tinzamm il-ħin kollu.

9.1 L-arrangamenti għall-kura tas-saħħa u l-kura personali għandhom jiżguraw li l-privatezza u d-dinjità tal-persuna residenti jiġu rrispettati l-ħin kollu, u b'mod partikolari rigward:

- l-ġoti tal-kura personali, inkluż in-*nursing*, il-ħasil tal-persuna, l-użu tat-*toilet* jew il-*commode*;
- id-dhul fil-kmamar tas-sodda, it-*toilets* u l-kmamar tal-banju;
- il-konsultazzjoni ma', u l-eżami minn, professjonisti tas-saħħa u tal-kura soċjali;
- il-konsultazzjoni ma' konsulenti legali u finanzjarji;
- iż-żamma ta' kuntatti soċjali mal-qraba u l-ħbieb;
- wara l-mewt.

9.2 Il-ħasil tal-persuna/il-ħasil tal-persuna fis-sodda jew ix-xawers għandhom isiru kuljum u, jew skont il-ħtiġiet tal-persuna residenti u skont il-preferenzi f'limiti ta' żmien raġonevoli.

9.3 Ir-residenti għandu jkollhom konnessjoni tat-TV, aċċess faċli għal telefown għall-użu fil-privat, aċċess faċli għall-Internet u għandhom jirċievu l-posta tagħhom mhux miftuħa.

9.4 Ir-residenti għandhom jithallew jilbsu l-ħwejjeġ tagħhom stess f'kull ħin.

9.5 Ir-residenti kollha għandhom jitlaqqgħu mal-istaff kollu li ser ikollhom kuntatt miegħu u l-istaff għandu juża t-terminu ta' indirizzar preferut mill-persuna residenti.



9.6 L-istaff kollu għandu jingħata istruzzjonijiet matul il-perjodu introduttorju u b'mod regolari dwar kif għandu jittratta b'rispett lir-residenti f'kull hin.

9.7 L-eżami mediku u t-trattament għandhom jiġu spjegati b'mod ċar u b'rispett lill-persuna residenti qabel l-amministrazzjoni u għandhom isiru fil-kamra tal-persuna residenti stess jew f'kamra tal-eżami oħra indikata b'mod speċifiku. Għandu jiġi żgurat li l-persuna residenti jew is-sostitut tagħha mahtur legalment biex jieħu d-deċiżjonijiet għaliha jifhmu b'mod sħiħ il-proċeduri kollha.

9.8 Meta r-residenti jikkondividu kamra, għandu dejjem jiġi pprovdut skrining jew sistemi diviżorji biex jiġi żgurat li l-privatezza tagħhom ma tiġix kompromessa meta tkun qed tingħata l-kura personali jew fi kwalunkwe hin ieħor.

#### *Standard 10 – Waqt il-Mewt u Wara*

##### RIŻULTATI:

Ir-residenti jiġu żgurati li fis-siegha tal-mewt tagħhom, l-istaff ser jittratta lilhom u lill-familja tagħhom b'attenzjoni, sensitività u rispett, skont it-twemmin reliġjuż tagħhom.

10.1 Ir-residenti li qed imutu għandhom jingħataw kura u konsolazzjoni, u l-mewt tagħhom għandha tiġi trattata b'dinjità u modestja, u għandhom jiġu osservati l-htiġiet, ir-riti u l-funzjonijiet spiritwali tagħhom.

10.2 L-istaff kuranti għandu jagħmel kull sforz biex jiżgura li l-persuna residenti tirċievi attenzjoni xierqa u serħan mill-uġiġħ kif meħtieġ skont il-linji gwida u l-legiżlazzjoni nazzjonali.

10.3 Ix-xewqat attwali tal-persuna residenti jew dawk tar-rappreżentant mahtur legalment tagħhom dwar il-kura terminali u l-arranġamenti wara l-mewt għandhom jiġu rrispettati sa fejn hu possibbli. Kull fejn hu possibbli, ix-xewqat preċedenti tal-persuna residenti, kemm jekk verbali jew bil-miktub, għandhom jitqiesu fil-każ li l-persuna residenti ma tibqax kapaċi tesprimi x-xewqat tagħha fis-siegha tal-mewt tagħha. B'mod simili, il-persuna residenti għandha tingħata l-opportunità li tinvolvi l-familja u l-ħbieb fid-deċiżjonijiet li jikkonċernaw il-kura terminali.

10.4 Il-privatezza u d-dinjità tal-persuna residenti għandhom jinżammu f'kull hin, u ż-żjarat mill-qraba u l-ħbieb tal-qalb għandhom jiġu rrispettati u mhegġa.

10.5 Ir-residenti għandhom ikunu jistgħu jqattgħu l-aħħar jiem tagħhom fil-kamra tagħhom stess, imdawrin bl-affarijiet personali tagħhom, sakemm ma jkunx hemm raġunijiet mediċi serji li ma jippermettux dan. Kull meta jitolbu u jekk ikun possibbli, ir-residenti għandhom jithallew imorru lura fid-dar tagħhom stess biex imutu hemmhekk.

10.6 Id-detentur tal-liċenza għandu jiżgura li l-istaff u r-residenti li jixtiequ joffru l-konsolazzjoni lil persuna residenti li qed tmut ikunu jistgħu jagħmlu dan bil-kunsens tal-persuna residenti meta tkun għadha kapaċi, jew dak tas-sostitut mahtur legalment biex jieħu d-deċiżjonijiet għaliha.

10.7 L-aċċess għall-kura palljativa, l-assistenza Prattika, il-pariri u l-*counselling* wara l-mewt għandhom jingħataw minn professjonisti mharrġa/agenziji speċjalizzati.

10.8 Il-ħtiġiet tar-residenti għal appoġġ personali u, jew għajnuniet tekniċi, li jibdeu jinbidlu hekk kif il-kundizzjoni tagħhom tiddeterjora, għandhom jiġu riveduti kuljum, u jiġu sodisfatti malajr biex jiġi żgurat li l-individwu jibqa' jkollu l-kontroll massimu.

10.9 Il-qraba u l-ħbieb ta' persuna residenti li qed tmut għandhom jithallew jibqgħu magħha kemm jixtiequ, sakemm il-persuna residenti ma tagħmilhiex ċara li hija ma tixtiqhomx jibqgħu, jew sakemm il-preżenza tagħhom ma tkunx ta' disturb bla bżonn għall-persuna residenti li qed tmut jew għar-residenti l-oħra.

10.10 Il-ġisem tal-persuna residenti li tkun mietet għandu jiġi trattat b'dinjità, u għandu jithalla ħin biex il-familja u l-ħbieb jesprimu r-rispett tagħhom.

10.11 Il-*policies* u l-proċeduri dwar it-trattament tar-residenti fis-sieġha tal-mewt u wara mewthom għandhom ikunu disponibbli u osservati mill-istaff kollu. Meta persuna residenti tmut jew tkun qed tmut, il-qraba għandhom jiġu infurmati dwar il-proċedura tad-Dar wara l-mewt u tingħatalhom gwida xierqa.

10.12 It-trasport tal-persuna mejta għandu jiġi trattat bl-ikbar diskrezzjoni biex, kemm jista' jkun possibbli, dan isir bogħod mill-ghajn ta' residenti oħra.

## KAPITOLU 3 – Hajja ta' Kuljum u Attivitajiet Soċjali

## Dahla

L-anzjani jibqa' jkollhom il-htigiet u l-interessi soċjali, kulturali, spiritwali, u rikreattivi, u għalhekk jidhlu fid-djar ta' kura b'varjetà wiesgħa ta' aspettattivi u preferenzi. Il-mod kif tiġi organizzata l-hajja soċjali fid-Dar, flimkien mal-firxa ta' attivitajiet disponibbli għandhom jiġu stabbiliti fid-Dikjarazzjoni tal-Għanijiet u fil-Gwida għar-Residenti tad-Dar. Ir-residenti prospettivi, il-familja tagħhom u, jew ir-rappreżentanti tagħhom għandu jkollhom idea ċara dwar x'toffri d-Dar. Il-kapaċità għal attività soċjali tvarja bejn ir-residenti u hafna jista' jkollhom bżonn ta' appoġġ u assistenza speċjali biex jinvolvu ruħhom fl-attivitajiet tal-hajja ta' kuljum. L-*Istandards* għandhom iqisu din il-varjazzjoni wiesgħa fil-preferenzi u l-kapaċità. L-informazzjoni fid-Dikjarazzjoni tal-Għanijiet u fil-Gwida għar-Residenti tkun kruċjali biex jiġi vvalutat jekk id-Dar hix qed tipprovdi dak li tiddikjara li se tkun qed tipprovdi.

Ir-residenti jqisu l-ikel li jingħataw bħala wiehed mill-fatturi l-izjed importanti li jiddetermina l-kwalità tal-hajja tagħhom. Il-preferenzi dwar l-ikel ta' kull individwu, kemm personali kif ukoll fuq bażi kulturali/religjuża, huma parti mill-identità tagħhom u għandhom jiġu osservati dejjem. Dawn għandhom jiġu aċċertati fil-punt meta l-individwu jkun qed iqis biex jidhol fid-Dar, u d-detentur tal-liċenza/il-maniġer registrat għandu jagħmilha ċara bil-miktub jekk dawk il-preferenzi jistgħux jiġu osservati jew le.

L-ikel mogħti lir-residenti huwa importanti wkoll għas-saħħa u t-tiġh kontinwi tagħhom. Jekk ir-residenti ma jiklux - minhabba inkapaċità fiżika, dipressjoni, anormalità konoxxittiva, jew minhabba li l-ikel ma jkunx adegwat jew tajjeb - dan jista' jwassal għal malnutrizzjoni b'konsegwenzi debilitanti għas-saħħa. L-istaff kuranti għandu jimmonitorja t-teħid tal-ikel minn kull persuna residenti b'mod kemm jista' jkun diskret u mhux reġimentat, u għandu jipprovdi wkoll assistenza meta meħtieġa b'mod paċenzjuż u f'waqtha, biex jiġi żgurat li jkun qed jittiehed ammont adegwat ta' ikel u xorb.

Id-disponibbiltà, il-kwalità u l-preżentazzjoni tal-ikel, flimkien mal-mod kif l-istaff jassisti lir-residenti fil-ħinijiet tal-ikel, huma kruċjali biex jiġi żgurat li r-residenti jirċievu dieta bnina, appetiżuża u sustanzjuża.

L-isfond soċjali li fih jiġu servuti l-iklet għandu jkun kongenjali wkoll. Id-Dar għandha tevita ambjent tat-tip ta' kantin simili għal dak ta' refettorju f'istituzzjoni.

*Standard 11 – Kuntatti u Attivitajiet Soċjali*

RIŻULTATI:

L-esperjenza sugġettiva tal-istil tal-ħajja fid-Dar taqbel mal-aspettattivi u l-preferenzi tar-residenti, u tissodisfa l-interessi u l-ħtiġiet soċjali, kulturali, reliġjużi u rikreattivi tagħhom.

11.1 Ir-rutini tal-ħajja ta' kuljum u l-attivitajiet disponibbli għandhom ikunu flessibbli u varjati biex jissodisfaw l-aspettattivi, il-preferenzi u l-kapaċitajiet tar-residenti kemm jista' jkun possibbli.

11.2 Ir-residenti għandu jkollhom il-faċilitajiet u l-opportunità li jeżerċitaw l-għażla tagħhom fir-rigward ta':

- attivitajiet ta' divertiment u soċjali, u interessi kulturali;
- xorb, ikel u ikliet;
- rutini tal-ħajja ta' kuljum;
- relazzjonijiet personali u soċjali;
- osservanza reliġjuża.

11.3 L-interessi tar-residenti għandhom jiġu rreġistrati u għandhom jingħataw opportunitajiet regolari ta' stimolu permezz ta' attivitajiet ta' divertiment u rikreattivi fid-Dar jew barra mid-Dar, li jkun adattati għall-ħtiġiet, il-preferenzi u l-kapaċitajiet tagħhom.

11.4 L-informazzjoni aġġornata dwar l-attivitajiet soċjali għandha tinħareġ u tiġi ċċirkolata lir-residenti kollha f'formati adattati għall-kapaċitajiet tagħhom.

*Standard 12 – Programm ta' attivitajiet u avvenimenti*

RIŻULTATI:

Id-Dar toffri programm strutturat ta' attivitajiet u avvenimenti varjati konsistenti mad-dikjarazzjoni tal-għanijiet tagħha u applikabbli għall-ħtiġiet identifikati tar-residenti individwali.

12.1 Il-programm ta' attivitajiet u avvenimenti għandu jipprovdi riżultati pożittivi għar-residenti u għandu jkun iggwidat

mill-htigiet u l-interessi identifikati tar-residenti.

12.2 Il-programm għandu jinkludi attivitajiet li jkunu pjaċevoli, bi skop, adatti għall-età u xierqa kulturalment u jqis il-htigiet rikreattivi, kulturali, u spiritwali tar-residenti. Il-programm għandu jippromwovi l-ghajxien san, ikun flessibbli u jwieġeb għall-htigiet dejjem jinbidlu tar-residenti u jiffaċilita l-inklużjoni soċjali fl-avvenimenti fil-komunità.

12.3 Il-programm għandu jinkludi attivitajiet assoċjati ma' okkażjonijiet speċjali matul is-sena.

12.3 Ir-residenti, inkluż dawk li generalment jibqgħu fil-kamra tagħhom, għandhom jingħataw l-opportunità li jikkontribwixxu permezz ta' suggerimenti u li jkunu involuti fl-iżvilupp tal-programm ta' attivitajiet.

12.4 Il-programm ta' attivitajiet għandu jintwera f'format adatt u f'post xieraq sabiex ir-residenti u r-rappreżentanti tagħhom ikunu jafu x'hemm skedat.

12.5 Ir-residenti għandhom ikunu jistgħu jipparteċipaw fil-programm permezz ta' tagħmir, għajnuniet u appoġġ mill-istaff jew minn oħrajn.

12.6 It-tul ta' kull attività u l-iskeda tal-ħin ta' kuljum għandhom iqisu l-htigiet u l-kapaċitajiet tar-residenti li jkunu ser jipparteċipaw.

12.7 Meta l-attività tiġi organizzata minn persuni esterni mqabba mid-Dar, il-manixer registrat għandu jimmonitorja l-attività biex jikkonferma li dawk li qed jorganizzaw jew jiffaċilitaw dawn l-aktivitajiet ikollhom il-ħiliet meħtieġa biex jagħmlu dan.

12.8 Meta l-attività tiġi organizzata minn persuni esterni mqabba mid-Dar, l-istaff għandu jinformahom dwar kwalunkwe tibdil fil-htigiet tar-residenti qabel ma tibda l-attività u għandu jkun hemm sistema fis-seħħ li permezz tagħha jingħata *feedback* f'waqtu.

12.9 Għandu jinżamm rekord tal-aktivitajiet kollha li jsiru, il-persuna li tkun mexxiet l-attività u l-ismijiet tar-residenti li jkunu pparteċipaw.

12.10 Il-programm għandu jiġi rivedut b'mod regolari u tal-inqas darbtejn fis-sena biex jiġi zgurat li dan jissodisfa l-htigiet dejjem jinbidlu tar-residenti.

*Standard 13 – Kuntatt mal-Komunità*

RIŻULTATI:

Ir-residenti jżommu kuntatt mal-familja/il-ħbieb/ir-rappreżentanti u l-komunità lokali kif u meta jixtiequ.

13.1 Ir-residenti għandhom jithallew ikollhom zjarat fi kwalunkwe hin raġonevoli u li r-rabtiet mal-komunità lokali jiġu żviluppati u, jew jinżammu skont il-preferenzi tar-residenti.

13.2 Għandha tkun l-għażla tal-persuna residenti lil min tilqa' u lil min le.

13.3 Qabel ma jidhlu fid-Dar, il-qraba, il-ħbieb u r-rappreżentanti tar-residenti għandhom jingħataw informazzjoni bil-miktub dwar il-*policy* tad-dar rigward kuntatti mar-residenti u l-involvement tagħhom fid-Dar.

13.4 L-involvement fid-Dar minn gruppi tal-komunità lokali u, jew voluntiera għandu jirrifletti l-preferenzi tar-residenti.

*Standard 14 – Awtonomija u Għażla*

RIŻULTATI:

Ir-residenti huma fi stat li jeżerċitaw għażla massima u kontroll massimu fuq il-ħajja personali tagħhom.

14.1 Id-detentur tal-liċenza għandu jopera d-Dar b'mod li jimmassimizza l-kapaċità tar-residenti li jeżerċitaw l-awtonomija u l-għażla personali tagħhom.

14.2 Ir-residenti għandhom jimmaniġġjaw l-affarijiet finanzjarji tagħhom stess sakemm jixtiequ huma, sakemm ikunu jistgħu u jkollhom il-kapaċità jagħmlu dan.

14.3 Ir-residenti u, jew ir-rappreżentanti tagħhom għandhom jingħataw aċċess għall-informazzjoni dwar kif jistgħu jiksbu l-pariri legali meħtieġa rigward il-valutazzjoni tal-kapaċità mentali, il-ħatra ta' rappreżentat, u t-tnejn ta' testament.

14.4 Ir-residenti għandhom ikunu intitolati li jgħibu l-possedimenti personali magħhom, bil-limitu dwar dan jiġi maqbul bil-miktub qabel l-ammissjoni fid-Dar. Ir-residenti għandhom jingħataw ukoll kexxun/armarju li jissakkar u l-kopji ta' ċwieviet

jinzammu mill-proprjetarju/maniġer b'mod sigur u jiġu użati biss jekk jintilfu ċ-ċwievet originali tal-persuna residenti, u dan l-użu għandu jiġi ddokumentat kif jixraq.

14.5 Ir-residenti għandhom ikunu intitolati għal aċċess għar-records personali tagħhom, skont il-leġislazzjoni dwar il-protezzjoni tad-dejta.

14.6 Ir-residenti jew ir-rappreżentant maħtur legalment minnhom għandu jkollhom rwol ewlieni fil-pjan ta' kura inizjali u sussegwenti tagħhom, u d-deċiżjonijiet tagħhom għandhom jiġu rrispettati, hlief f'ċerti ċirkostanzi skont l-Att dwar is-Saħħa Mentali ta' Malta.

#### *Standard 15 – Ikliet u Hinijiet tal-Ikel*

##### **RIŻULTATI:**

Ir-residenti jirċievu dieta bnina, li thajrek, bilanċjata, varjata u adegwata f'ambjent pjaċevoli.

15.1 Id-detentur tal-liċenza għandu jiżgura li r-residenti kollha jirċievu dieta varjata, li thajrek, bnina u sustanzjuża, li hija adatta għal rekwiżiti vvalutati u rreġistrati b'mod individwali, u li l-ikliet jingħataw f'ambjent kongenjali, u bi qbil minn qabel dwar hinijiet raġonevolment flessibbli.

15.2 Kull persuna residenti għandha tiġi offruta tliet ikliet kuljum (tal-inqas waħda minnhom għandha tkun imsajra). Id-detentur tal-liċenza għandu jiżgura li l-*menus* jithejjew minn djetologu, flimkien ma' patologu tad-diskors u tal-lingwa (skont il-htigiet tar-residenti), li r-residenti jkollhom għażla ta' mill-inqas żewġ *menus* differenti, b'rotazzjoni sa massimu ta' kull hmistax u li l-*menus* jinbidlu skont l-istaġun.

15.3 Ix-xarbiet sħan u keshin għandhom ikunu disponibbli l-hin kollu.

15.4 L-ikel kollu għandu jiġi ppreżentat b'mod li jkun attraenti u li jhajrek f'termini ta' sawra, togħma, aroma u dehra, sabiex jinzammu l-aptit u n-nutrizzjoni. Għandu jitqies ukoll li jiġi inkluż ikel Malti tradizzjonali tipiku b'mod regolari mingħajr ma jitwarrbu t-togħmiet kulturali l-oħra. Għandhom jiġu servuti ikliet speċjali f'okkażjonijiet ta' festi. L-ikliet kollha msajra għandhom jiġu servuti f'temperatura tajba.

15.5 Għandhom jiġu pprovduti dieti/ikel terapewtiċi meta dan jiġi avżat mill-istaff tas-saħħa jew dak responsabbli mid-dieta. L-ikel għandu jkun fihom hafna supplimenti tal-vitamini tal-kalċju.

15.6 Il-ħtiġiet tad-dieta reliġjużi jew kulturali għandhom jiġu koperti kif maqbul mal-ammissjoni u kif irregistrat fil-pjan ta' kura.

15.7 Id-detentur tal-liċenza għandu jiżgura li l-menù għall-ikel kollha jinbidel tal-inqas skont l-istaġun u li jkun adatt għall-kapaċità u r-rekwiziti dijetetiċi tar-residenti kollha, u li jkun disponibbli għar-residenti u għall-familji/rappreżentanti tagħhom.

15.8 Id-detentur tal-liċenza għandu jiżgura li l-hinijiet tal-ikel ma jkunux bil-għaġla, bir-residenti kollha jingħataw bizzejjed hin biex jieklu l-ikel tagħhom b'mod komdu.

15.9 L-istaff għandu jkun lest li joffri l-assistenza waqt l-ikel fejn meħtieġ, b'mod diskret, sensitiv u fuq bażi individwali, filwaqt li r-residenti jiġu mhegga jieklu b'mod indipendenti għall-itwal żmien possibbli. Jekk ir-residenti jkollhom diffikultajiet biex jieklu minhabba restrizzjonijiet fiżiċi jew restrizzjonijiet oħra, għandha ssir konsultazzjoni xierqa ma' terapista okkupazzjonali u, jew patologu tad-diskors u tal-lingwa. Għandhom jittieħdu prekawzjonijiet b'mod effikaci biex jiġi żgurat il-pożizzjonament korrett għal waqt l-ikel. Id-Dar għandha tipprovi apparat speċjalizzat biex jingħata l-ikel fil-każ ta' ingestjoni anormali (tazzi għall-ingestjoni anormali, *straws* bil-valvi u stimuli uditorji għall-ingestjoni) fejn meħtieġ.

15.10 Id-detentur tal-liċenza għandu jiżgura li l-ikel kollu jiġi mmanigġjat skont ir-Regolamenti dwar is-Sigurtà tal-Ikel u l-Iġjene tal-Ikel.

#### KAPITOLU 4 - Ilmenti u Protezzjoni

##### Daħla

Din it-taqsimha tindirizza l-kwistjoni ta' kif ir-residenti u, jew il-qraba u r-rappreżentanti tagħhom jistgħu jagħmlu lmenti dwar dak kollu li jiġri fid-Dar, kemm f'termini tat-trattament u l-kura mogħtija mill-istaff kif ukoll dwar il-faċilitajiet li huma disponibbli. Din it-taqsimha tittratta l-proċeduri għall-ilmenti fid-Dar relatati ma' kwistjonijiet bejn il-persuna residenti u l-proprietarju/maniġer registrat. L-ilmenti jistgħu jsiru wkoll direttament mar-Regolatur.

Huwa importanti niftakru li hafna anzjani ma jiddux pjaċir jagħmlu l-ilmenti - minhabba d-diffikultà biex jikkomunikaw b'mod



effikaċi, il-misthija, il-biża' li jisfaw vittimizzati jew għal raġunijiet validi oħra. Ir-Regolatur għandu jiżgura li d-detentur tal-liċenza jippromwovi kultura miftuħa fid-Dar li tippermetti lir-residenti kollha, lill-familji, il-ħbieb u r-rappreżentanti tagħhom u lill-istaff iħossuhom kunfidenti li jagħmlu sugġerimenti u lmenti fejn xieraq mingħajr l-ebda biża' ta' vittimizzazzjoni.

#### Standard 16 - Ilmenti

##### RIŻULTATI:

Ir-residenti kollha u l-qraba, il-ħbieb u r-rappreżentanti tagħhom huma kunfidenti li l-ilmenti tagħhom ser jiġu mismugħa, jittiehdu bis-serjetà u tittiehed azzjoni dwarhom u li ser jiġu trattati b'mod kunfidenzjali jekk jitolbu hekk.

16.1 Id-detentur tal-liċenza għandu jiżgura li jkun hemm proċedura għall-ilmenti sempliċi, ċara u aċċessibbli, li tinkludi l-istadji u t-tul ta' żmien tal-proċess, u li l-ilmenti jiġu indirizzati minnufih u b'mod effikaċi u kunfidenzjali jekk jintalab hekk u li r-records kollha jinżammu kif jixraq. Għandu jsir kull sforz mid-detentur tal-liċenza biex jiżgura li l-ilmenti jiġu solvuti minnufih u internament.

16.2 Id-detentur tal-liċenza għandu jiżgura li d-Dar ikollha proċedura għall-ilmenti li tispeċifika kif jistgħu jsiru l-ilmenti u min ser jitrattahom, b'assigurazzjoni li tingħata twegiba għalihom mingħajr dewmien.

16.3 Għandu jinżamm rekord tal-ilmenti kollha li jkunu saru, u dan għandu jinkludi dettalji tal-investigazzjonijiet u ta' kwalunkwe azzjoni li tkun ittiehdet.

16.4 Id-detentur tal-liċenza għandu jipprovdi lir-residenti bit-tagħrif dwar kif jistgħu jressqu lmenti mal-Kummissarju għas-Saħħa Mentali u għall-Anzjani, jew ma' awtorità regolatorja oħra.

16.5 Id-detentur tal-liċenza għandu jintrabat li jinkoraġġixxi kultura miftuħa fejn ir-residenti jħossuhom liberi li jagħmlu sugġerimenti u lmenti mingħajr l-ebda biża' ta' xi tpattija.

#### Standard 17 - Drittijiet

##### RIŻULTATI:

Id-drittijiet legali kollha tar-residenti huma protetti bis-sħiħ.

17.1 Ir-residenti kollha għandu jkollhom id-drittijiet legali tagħhom protetti, għandhom ikunu jistgħu jeżerċitaw id-drittijiet legali tagħhom direttament u jipparteċipaw fil-proċess ċiviku jekk ikunu jixtiequ.

17.2 Meta r-residenti ma jkollhomx il-kapaċità, ir-rappreżentant mahtur legalment minnhom u d-detentur tal-liċenza/maniġer registrat għandhom jiżguraw servizzi ta' pariri legali xierqa.

17.3 Id-drittijiet tar-residenti li jipparteċipaw fil-proċess politiku għandhom jiġu rrispettati, pereżempju billi jithallew jivvutaw fl-elezzjonijiet.

#### *Standard 18 - Protezzjoni*

##### RIŻULTATI:

Ir-residenti kollha huma protetti bis-sħiħ mill-abbuż.

18.1 Id-detentur tal-liċenza għandu jiżgura li r-residenti kollha jiġu ssalvagwardjati minn abbuż fiżiku, verbali, finanzjarju, psikoloġiku jew sesswali, u minn nuqqas ta' attenzjoni, abbuż diskriminatorju jew awtoleżjoni, trattament inuman jew degradanti, kemm jekk intenzjonat, b'negligenza jew b'injoranza, skont il-*policies* bil-miktub.

18.2 Għandu jkun hemm fis-seħħ proċeduri robusti li jwieġbu għal suspett jew evidenza ta' abbuż jew nuqqas ta' attenzjoni (inkluż l-iżvelar ta' informazzjoni protetta), biex jiġu żgurati s-sikurezza u l-protezzjoni tar-residenti kollha. Dawn għandhom jippermettu lir-residenti, lill-qraba u, jew lir-rappreżentanti legali li jgħaddu t-tħassib tagħhom lir-Regolatur fuq bażi kunfidenzjali skont il-leġislazzjoni.

18.3 Dwar l-allegazzjonijiet u l-inċidenti kollha ta' abbuż għandha tittiehed azzjoni minnufih mill-maniġment jew mir-Regolatur, u l-miżuri li jittieħdu għandhom jiġu rreġistrati. Id-detentur tal-liċenza għandu jirrapporta immedjatament ukoll l-istanzi ta' abbuż lill-pulizija.

18.4 Id-detentur tal-liċenza għandu jieħu azzjoni f'waqtha fuq kwalunkwe informazzjoni ġdida dwar l-istaff li jinsab li ma jkunx tajjeb għal xogħol ma' adulti vulnerabbli.

18.5 Il-*policies* u l-prattiki tad-Dar għandhom jiżguraw li l-

aggressjoni fiżika u, jew verbali mir-residenti tiġi mifhuma u indirizzata b'mod xieraq, u li intervent fiżiku jintuża biss bħala l-aħħar mizura u skont il-liġi ċivili u l-*Policy* dwar ir-*Restrizzjoni*.

18.6 Il-*policies* u l-prattiki tad-Dar rigward il-flus u l-affarijiet finanzjarji tar-residenti għandhom jiżguraw l-aċċess tar-residenti għar-*records* finanzjarji personali tagħhom, iż-żamma sikura tal-flus u oġġetti oħra ta' valur, il-privatezza ta' konsultazzjoni dwar il-finanzi, u pariri dwar l-assigurazzjoni personali; u ma jippermettux la involviment jew assistenza mill-istaff waqt li jkun qed isir xi testment mir-residenti, u lanqas li xi staff jibbenefika minn testmenti bħal dawn.

18.7 Il-kunfidenzjalità għandha tiġi rispettata dejjem u f'kull hin.

## KAPITOLU 5 - L-Ambjent

### Dahla għall-*Istandards* 19 sa 26

Id-Djar kollha godda għandhom jinbnew b'tali mod li l-ispazju abitabbli jaqdi l-htigiet kollha tar-residenti. Dawn għandhom jipprovdu kmamar singli u kmamar doppji b'xawers u *toilets en suite* aċċessibbli, sakemm is-sikurezza tar-residenti ma tkunx kompromessa.

Id-Djar kollha godda għandhom jinbnew ukoll b'tali mod li jipprovdu ambjent familjari - aktar milli wieħed ta' istituzzjoni - u għandhom dejjem jinżammu fi stat tajjeb u fl-ordni, u jkunu attraenti u nodfa (f'konformità mar-Regolamenti dwar is-Saħħa Pubblika).

Fejn l-*Istandards* jispeċifikaw ir-rekwiżiti għal Djar godda, id-Djar eżistenti li ma jissodisfawx dawn ir-rekwiżiti għandhom jingħataw massimu ta' 10 snin mid-data tal-implimentazzjoni ta' dawn l-*standards* biex jaġġornaw il-binja tagħhom kif xieraq safejn jippermettu l-parametri strutturali tal-binja.

### *Standard* 19 - Binjiet

#### RIZULTATI:

r-residenti jgħixu f'ambjent sikur u mizmum tajjeb.

19.1 Is-sit u t-tqassim tad-Dar (inklużi l-ispazji esterni tagħha)

għandhom ikunu adatti għall-għan iddikjarat tagħha; għandha tkun aċċessibbli, sikura u miżmuma fi stat tajjeb; tissodisfa l-htigiet individwali u kollettivi tar-residenti b'mod komdu u familjari u tkun giet iddisinjata b'referenza għal-linji gwida/*standards* rilevanti rigward l-aċċessibilità, is-saħħa u s-sigurtà u l-manutenzjoni fis-seħħ f'dak iż-żmien.

19.2 Għandu jiġi mfassal u implimentat programm ta' manutenzjoni ta' rutina u tiġdid tad-drappijiet u d-dekorazzjoni tal-binja, biż-żamma tar-*records*.

19.3 Id-Djar kollha għandu jkollhom prova ddokumentata li twettqet valutazzjoni tar-riskju minn persuna kompetenti.

19.4 Il-bini għandu jkun kopert b'rapport dwar nirien u ventilazzjoni mhejji minn persuna kompetenti (inginier jew perit *warrant*).

19.5 Il-bini għandu jikkonforma mar-rekwiżiti tas-Suprintendent tas-Saħħa Pubblika.

19.6 L-użu ta' kameras inkluż CCTV għandu jkun ristrett għaż-żoni tad-dhul, kurituri, liftijiet u turgien għal finijiet ta' sigurtà biss u ma jinvadix il-ħajja ta' kuljum tar-residenti. Madankollu, għal raġunijiet ta' sikurezza jew komunikazzjoni, il-manigment bi qbil mar-residenti jew ir-rappreżentanti tagħhom jista' jintroduċi kamera fil-kamra tagħhom sakemm din ma tikkompromettix il-privatezza ta' residenti oħra.

#### *Standard 20 – Faċilitajiet Komuni*

##### RIŻULTATI:

Ir-residenti għandhom aċċess għal faċilitajiet interni u esterni komuni sikuri u komdi.

20.1 Fid-Djar kollha mibnija godda u f'registrazzjonijiet godda, id-Dar għandha ttiprovdi spazju intern fejn ir-residenti jistgħu jpoġġu bilqiegħda, spazju rikreattiv u spazju għall-pranzu (magħrufa b'mod kollettiv bħala spazju intern komuni) minbarra l-akkomodazzjoni privata tar-residenti u bl-esklużjoni tal-kurituri, il-gallariji u s-sala tad-dhul, li jammonta għal mill-inqas 4.0 metri kwadri għal kull persuna residenti.

20.2 L-ispazju intern komuni għandu jkun disponibbli u jinkludi:

- kamra(kmamar) li fiha jistgħu jsiru varjetà ta' attivitajiet soċjali, kulturali, rikreattivi u reliġjużi, u fejn ir-residenti jistgħu jiltaqgħu mal-viżitaturi fil-privat;
- sala(swali) tal-pranzu li taħseb b'mod komdu għar-residenti kollha;
- salott.

20.3 Għandu jkun hemm spazju estern għar-residenti, b'postijiet fejn ipogħu u ddisinjat biex jissodisfa l-htigiet tar-residenti kollha inkluż dawk b'indeboliment fiżiku, sensorjali u konoxxittiv, u li għandu jikkonforma mal-Linji Gwida dwar l-Aċċessibilità.

20.4 Id-Djar li kienu jeżistu qabel u li jipprovdu tal-inqas 4.0 metri kwadri ta' spazju intern komuni għal kull persuna residenti fiż-żmien tal-implimentazzjoni ta' dawn l-*Istandards* għandhom jibqgħu jagħmlu dan. Id-Djar eżistenti li m'għandhomx dan l-ispazju komuni għandhom jiżguraw li jkollhom dak l-ispazju fi żmien massimu ta' 10 snin mid-data tal-implimentazzjoni ta' dawn l-*Istandards*.

20.5 Id-dawl fil-kmamar komuni għandu jkollu aspett familjari. Il-livelli tad-dawl għandhom jikkonformaw mal-livelli speċifikati fil-leġislazzjoni relatata mal-operat tad-Djar tal-Kura għall-Anzjani u d-dawl għandu jkun pożizzjonat biex jiffacilita l-qari u attivitajiet oħra.

20.6 L-attrezzar dekorattiv tal-kmamar komuni għandu jkollu aspett familjari u jkun ta' kwalità tajba, u adattat għall-firxa ta' interessi u attivitajiet preferuti mir-residenti.

#### *Standard 21 - Toilets* u Faċilitajiet għall-Hasil

##### RIŻULTATI:

Ir-residenti jkollhom biżżejjed *toilets* u faċilitajiet għall-ħasil adatti għalihom.

21.1 It-*toilets* u l-faċilitajiet għall-ħasil għandhom jiġu pprovduti biex jissodisfaw il-htigiet tar-residenti kollha u għandhom jikkonformaw mal-Linji Gwida fil-leġislazzjoni relatata mal-operat tad-Djar tal-Kura għall-Anzjani.

21.2 Għandu jkun hemm *toilets* aċċessibbli (kif speċifikat fil-leġislazzjoni relatata mal-operat tad-Djar tal-Kura għall-Anzjani) għar-residenti, immarkati b'mod ċar, qrib is-swali ta' rilassament u tal-pranzu.

21.3 Id-Djar kollha mibnija godda, l-estensjonijiet il-godda tad-Djar u r-registrazzjonijiet il-godda għandu jkollhom faċilitajiet għall-ħasil/xawers *en suite* aċċessibbli (kif definit fil-leġiżlazzjoni relatata mal-operat tad-Djar tal-Kura għall-Anzjani) pprovduti fil-kmamar tar-residenti.

21.4 Id-djar ta' kura li kienu jeżistu qabel, li kienu jipprovdu tal-inqas banju assistit wieħed (jew xawers assistiti sakemm dawn jissodisfaw il-ħtiġiet tar-residenti) lil mhux iżjed minn 5 residenti fid-data tal-implimentazzjoni ta' dawn l-*Standards*, għandhom ikomplu jagħmlu dan. Dawk id-Djar li ma jissodisfawx dan ir-rekwiżit għandhom jagħmlu dan fi żmien massimu ta' 10 snin wara, safejn il-parametri strutturali tal-binja jippermettu li jsir dan.

21.5 L-ispazju tal-art tal-faċilitajiet *en suite* għandu jkun b'żieda mal-*standards* għall-ispazju użabbli tal-art minimu fi kwalunkwe kamra ta' persuna residenti.

21.6 Kwalunkwe faċilità għall-ħasil tal-ħwejjeġ għandha tkun mifruda mit-*toilet* u mill-faċilitajiet għall-ħasil tar-residenti.

## Standard 22 – Adattamenti u Tagħmir

### RIŻULTATI:

L-indipendenza tar-residenti tiġi massimizzata bl-użu ta' tagħmir speċjalizzat.

22.1 Id-detentur tal-liċenza/maniġer registrat għandu jagħti prova li saret evalwazzjoni tal-binja u tal-faċilitajiet minn terapista okkupazzjonali kwalifikat kif xieraq u b'għarfien speċjalizzat tal-gruppi ta' kliġenti fil-mira, u għandu jagħti prova li ġie pprovdut it-tagħmir għad-diżabilitajiet rakkomandat u li l-faċilitajiet huma aċċessibbli għal kulhadd (kif speċifikat fil-leġiżlazzjoni relatata mal-operat tad-Djar tal-Kura għall-Anzjani), u għandhom isiru kwalunkwe adattamenti ambjentali ulterjuri biex jiġu sodisfatti l-ħtiġiet tar-residenti.

22.2 Għandhom jiġu installati għajnuniet, *hoists*, u *toilets* u banjijiet assistiti li jkun jistgħu jaqdu l-ħtiġiet tar-residenti skont kif valutati.

22.3 Għandhom jiġu pprovduti faċilitajiet, inklużi sinjali u apparat ta' komunikazzjoni (pereżempju *loop system*), li jaqdu l-ħtiġiet tar-residenti kollha, filwaqt li jiġu meqjusa l-bżonnijiet ta' dawk il-persuni, pereżempju, bi problemi ta' smigħ, ta' vista,

b' dizabilità sensorjali doppja, diffikultajiet fit-tagħlim, dimenzja, jew xi dizabilità konjittiva ohra, fejn ikun hemm bżonn.

23.4 Għandhom jiġu pprovduti postijiet għall-ħżin ta' tagħmir u għajnuniet, inklużi sigġijiet tar-roti.

23.5 F'kull kamra għandhom jiġu pprovduti sistemi ta' sejhiet għal assistenza b'faċilità ta' allarm aċċessibbli.

*Standard 23 – Akkomodazzjoni Individwali: Rekwiziti ta' Spazju*

**RIŻULTATI:**

Il-kmamar tar-residenti jkunu adattati għall-htigiet tagħhom.

23.1 Id-Dar għandha tipprovdil lil kull persuna residenti alloġġ ta' spazju minimu kif speċifikat hawn taht:

23.2 Fil-binjiet, l-estensjonijiet u r-registrazzjonijiet il-godda kollha, il-postijiet kollha ta' kamra singla jkollhom spazju ta' art minimu użabbli ta' 12-il metru kwadru (minbarra *l-en suite*).

23.3 Id-djar ta' kura diġà eżistenti bi kmamar li jipprovdu minn disgħa sa tmax-il metru kwadru ta' art użabbli għal kull persuna residenti għandhom jagħmlu għad-dispożizzjoni 12-il metru kwadru fi żmien massimu ta' 10 snin mid-data tal-implimentazzjoni ta' dawn l-*Istandards*. Kwalunkwe Dar bi kmamar ta' inqas minn 9 metri kwadri ta' art użabbli għal kull persuna residenti għandha twaqqaf l-użu ta' dawn il-kmamar bħala kmamar tas-sodda tar-residenti.

23.4 Fl-istabbilimenti kollha eżistenti, il-kmamar għal persuna waħda li tkun tuża sigġu tar-roti għandu jkollhom mill-inqas 12-il metru kwadru ta' art użabbli (minbarra *l-en suite*).

23.5 In-numru u l-konfigurazzjoni tal-kmamar b'aċċess għas-sigġu tar-roti għandhom jikkonformaw mar-rekwiziti mogħtija fil-leġiżlazzjoni relatata mal-operat tad-Djar tal-Kura għall-Anzjani.

23.6 Id-dimensjonijiet tal-kamra u t-tqassim tagħha għandhom jiżguraw li jkun hemm spazju fuq iż-żewġ naħat tas-sodda li jippermetti aċċess għall-istaff kuranti u għal kwalunkwe apparat mehieg.

23.7 F'każ ta' kmamar kondiviżi, dawn għandhom jiġu okkupati minn mhux iktar minn żewġ residenti, sakemm ma jsirx

ftehim mod ieħor fil-kuntratt. Id-detentur tal-liċenza għandu jikkonsidra l-kompatibilità fizika, soċjali u kulturali tar-residenti meta jieħu deċiżjonijiet relatati mal-kondiviżjoni tal-kmamar, u għandu jiżgura li r-residenti jkunu għamlu għażla affermattiva li jaqsmu l-kamra bejniethom.

23.8 Meta post f'kamra kondiviża jitbattal, ir-resident l-ieħor tal-kamra għandu jingħata l-opportunità li japplika għal kamra singla.

23.9 Il-kmamar li attwalment huma kondiviżi għandu jkollhom mill-inqas 6 metri kwadri ta' spazju użabbli għal kull persuna residenti (minbarra l-*en suite*).

23.10 Fil-binjiet, l-estensjonijiet u r-registrazzjonijiet il-godda kollha, il-kmamar doppji għandu jkollhom mill-inqas 8 metri kwadri ta' spazju użabbli għal kull persuna residenti.

23.11 Id-djar ta' kura diġà eżistenti li jipprovdu 6 metri kwadri ta' spazju użabbli għal kull persuna residenti fi kmamar kondiviżi għandhom jagħmlu għad-dispożizzjoni mill-inqas 8 metri kwadri fi żmien massimu ta' 10 snin mid-data tal-implimentazzjoni ta' dawn l-Istandards sakemm il-parametri strutturali tal-binja jkunu jippermettu. Kwalunkwe Dar bi kmamar b'inqas minn 6 metri kwadri ta' spazju użabbli għal kull persuna residenti, fejn il-parametri strutturali tal-binja jkunu jippermettu dan it-titjib iżda din tonqos milli tikkonforma, għandha twaqqaf l-użu ta' dawn il-kmamar bħala kmamar tas-sodda tar-residenti.

#### *Standard 24 – Allogġ Individwali: Għamara u Attrezzar*

##### RIŻULTATI:

Ir-residenti jkunu jgħixu fi kmamar tas-sodda sikuri u komdi bl-affarijiet tagħhom magħhom.

24.1 Id-Dar għandha tipprovdi allogġ privat għal kull persuna residenti, liema allogġ għandu jkun mghammar b'tali mod li jiżgura l-kumdità u l-privatezza, u jaqdi l-ħtiġiet evalwati tal-persuna residenti.

24.2 Fin-nuqqas ta' affarijiet personali tal-persuna residenti stess, għandhom mill-inqas jiġu pprovduti dawn li ġejjin fil-kmamar individwali:

- sodda nadifa u komda, wiesgħa minimu ta' 900 mm, b'għoli sikur u adattat għall-persuna residenti, u lożor;



- purtieri jew *blinds*;
- mera;
- dawl tas-saqaf u dawl viċin is-sodda aċċessibbli;
- *buzzer* biex j/tissejjaħ infermier/a;
- sigġijiet/pultruni komdi għal żewġ persuni;
- kxaxen u spazju magħluq fejn jiddendlu l-ħwejjeġ;
- mill-inqas 2 sokits doppji tad-dawl aċċessibbli;
- mejda u tavolina;
- TV, telefown u sokits għall-internet jingħataw fuq talba tal-persuna residenti.

24.3 Għandhom jiġu pprovduti sodod aġġustabbli u saqqijiet speċjali lir-residenti li jkunu qed jingħataw kura medika.

24.4 Il-kmamar kollha tar-residenti għandhom ikunu mġammra b'madum li ma jizloqx jew ekwivalenti.

24.5 Il-bibien tal-alloġġ privat tar-residenti għandhom ikunu mġammra b'lokkijiet adatti għall-kapaċitajiet tar-residenti u aċċessibbli għall-istaff f'każ ta' emerġenza.

24.6 Ir-residenti għandhom jingħataw iċ-ċavetta sakemm il-valutazzjoni tar-riskji li tkun saritilhom ma tissuggeriex mod ieħor.

24.7 Kull persuna residenti għandu jkollha post li jissakkar fejn terfa' l-mediċini, il-flus u l-affarijiet ta' valur taġġha, u għandha tingħata iċ-ċavetta taġġha, liema ċavetta tista' tinzamm mill-persuna residenti jew minn persuna ta' fiduċja awtorizzata mill-persuna residenti (sakemm fil-pjan ta' kura ma tiġix indikata xi raġuni biex dan ma jseħħx).

24.8 Għandu jsir skrining fil-kmamar kondiviżi biex tiġi żgurata l-privatezza meħtieġa għall-kura personali.

*Standard 25 - Servizzi: Tishin u Dawl*

**RIŻULTATI:**

Ir-residenti għandhom igawdu ambjent sikur u komdu.

25.1 Il-kontroll tat-temperatura ambjentali, il-provvista tad-dawl, il-provvista tal-ilma u l-ventilazzjoni fl-allogg tar-residenti għandhom jissodisfaw ir-rekwiżti rilevanti tas-saħħa u s-sigurtà kif ukoll il-ħtiġiet ta' kull resident individwali.

25.6 Il-kmamar kollha għandhom ikunu ventilati individwalment bit-twieqi f'konformità mal-*standards* rikonoxxuti.

25.7 Fil-binjiet, l-estensjonijiet u r-registrazzjonijiet il-godda kollha, il-persuna residenti għandu jkollha aċċess għat-tieqa li l-għoli tagħha għandu jippermetti li l-persuna tara minnha meta tkun bilqiegħda jew fis-sodda.

25.8 Il-kmamar għandhom ikunu ambjentalment kontrollati, u t-temperatura tkun tista' tiġi kkontrollata mill-kamra tal-utent tas-servizz stess.

25.9 Il-pajpijiet u r-radjaturi għandhom ikunu mghottijin b'xi tip ta' protezzjoni jew ikollhom superfiċji b'temperatura baxxa garantita.

25.10 Id-dawl fl-allogg tar-residenti għandu jikkonforma ma' *standards* rikonoxxuti (lux 150), għandu jkun ta' tip li jintuza fid-djar residenzjali, u jinkludi lampa ta' fuq il-komodina.

25.11 Għandu jkun hemm dawl ta' emerġenza fid-Dar kollha.

25.12 Il-faċilità għandu jkollha servizz ta' ġeneratur bi provvista elettrika mingħajr interruzzjoni li tkun suffiċjenti biex tippovdi dawl, kontroll ambjentali u servizzi essenzjali mingħajr interruzzjoni.

25.13 L-ilma għandu jinżamm f'temperatura tali li tipprevjeni r-riskju ta' Legionella u r-riskju li xi hadd jistamat; għandu jkun hemm valvi tat-tip *pre-set* li ma jgħux affettwati minn bidliet fil-pressure tal-ilma u jkun hemm apparat ta' sigurtà installat lokalment biex jiġi pprovdut ilma f'temperatura qrib it-43 grad Celsius.

25.14 Għandha ssir manutenzjoni tat-tagħmir tal-arja kundizzjonata u ta' apparat ieħor simili skont l-istruzzjonijiet tal-manifattur, u għandu jkun hemm skeda fejn jinżamm rekord tal-manutenzjoni ta' natura preventiva, f'konformità mal-legiżlazzjoni lokali.

*Standard 26 - Servizzi: Iġjene u Kontroll tal-Infezzjonijiet*

RIŻULTATI:

Id-Dar għandha tkun nadifa, iġjenika u pjaċevoli.

26.1 Il-binja għandha tinzamm nadifa, iġjenika u mingħajr irwejjah spjaċevoli mkien, u għandhom jiġu stabbiliti sistemi li jipprevjenu l-infezzjonijiet milli jinfirxu, f'konformità mal-leġislazzjoni rilevanti u l-gwidi professjonali maħruġa.

26.2 Għandu jkun hemm sistemi effikaċi u effiċjenti biex il-hrieqi użati jintremew immedjatament.

26.3 Il-faċilitajiet tal-ħasil tal-hwejjeġ għandhom isiru f'postijiet fejn il-hwejjeġ maħmuġin u l-lożor infettati ma jiġux mghoddija minn zoni fejn jinżamm, jiġi ppreparat, jissajjar jew jittiekel l-ikel, u fejn ma jtellfux lir-residenti. Għandu jkun hemm għad-dispożizzjoni faċilitajiet għall-ħasil tal-idejn f'postijiet prominenti għall-viżitaturi u dawn għandhom jintalbu jaħslu idejhom xhin jidhlu u qabel joħorġu mid-Dar.

26.4 Il-faċilitajiet għall-ħasil tal-idejn għandhom isiru f'zoni prominenti fejn isir kuntatt ma' materjal infettat u, jew skart kliniku.

26.5 L-art tal-faċilitajiet tal-ħasil tal-hwejjeġ għandha tkun magħmula minn materjal li ma jiskulax ilma minnu; il-wieċ tal-art u l-ħitan għandu jkun tali mod li jista' jtnaddaf faċilment.

26.6 Għandu jkun hemm fis-sehħ *policies* u proċeduri għall-kontroll tal-infezzjonijiet inklużi l-immaniġġjar u r-rimi sikur tal-iskart kliniku; l-immaniġġjar tat-tixrid ta' materjali jew sustanzi; il-provvista ta' hwejjeġ protettivi; il-ħasil tal-idejn. Id-detentur tal-liċenza/maniġer reġistrat għandu jagħti prova li hemm *policy* u proċeduri fis-sehħ f'dan ir-rigward.

26.7 Għandu jkun hemm *policy* bil-miktub dwar l-immaniġġjar ta' mard epidemiku.

26.8 Id-Dar għandu jkollha faċilità ta' ġbir ta' hwejjeġ għall-ħasil u apparat ta' diżinfezzjoni.

26.9 Il-bibien tal-kamra tal-imsemmija faċilità għandhom jinżammu magħluqin f'kull ħin.

26.10 Il-hwejjeġ maħmuġin għandhom jinħaslu f'temperaturi adegwati (minimu ta' 65°C għal mhux inqas minn 10 minuti) biex jtnaddfu sew u jiġi kkontrollat ir-riskju ta' infezzjonijiet.

26.11 Il-magni tal-ħasil għandu jkollhom programmar speċifikat biex jiġu sodisfatti l-*standards* ta' diżinfezzjoni.

26.12 Il-ħwejjeg maħmuġin għandhom jiġu separati mill-ħwejjeg nodfa.

26.13 Il-facilitajiet u l-proċessi relatati mal-ħasil tal-ħwejjeg għandhom ikunu konformi mal-*standard* EN 14065.

26.14 Għandu jkun hemm sistemi fis-seħħ biex il-ħwejjeg kollha mibgħuta għall-ħasil jiġu rritornati lis-sidien tagħhom.

## KAPITOLU 6 - Ingagġ ta' Staff

### Dahla

Meta jkunu qed jiġi deċizi l-kontinġenzi ta' impjegar ta' staff fid-djar ta' kura kollha, (u b'mod partikolari f'dawk li jipprovdu kura medika u kura tad-dimenzja), għandu jiġi rispettata ir-rekwiżit regolatorju li jistipula li għandu jkun hemm kombinazzjoni adegwata ta' livell u ħiliet ta' staff biex jinqadew il-ħtiġiet evalwati u dokumentati tar-residenti f'kull ħin f'dik id-Dar partikolari.

Għaldaqstant, din it-taqsimha tistabbilixxi l-*Standards* bażiċi li għandhom jiġu applikati bħala minimu fil-kuntesti kollha. Kull Dar għandha mbaġħad tistabbilixxi l-livelli u l-ħiliet xierqa tal-istaff biex jinqadew il-ħtiġiet evalwati tar-residenti tagħha f'kull ħin, li sussegwentement jiġu approvati mir-Regolatur.

### *Standard 27* – Skjerament ta' Staff

#### RIZULTATI:

Il-ħtiġiet tar-residenti kollha jiġu sodisfatti f'kull ħin permezz ta' numru ta' staff xieraq u b'ħiliet adegwati.

27.1 In-numru u l-ħiliet tal-istaff magħmul minn tahlita ta' staff kwalifikat/mhux kwalifikat għandhom ikunu adatti f'kull ħin għall-ħtiġiet evalwati tar-residenti kollha u għad-daqs, it-tqassim u l-iskop tad-Dar, f'kull ħin.

27.2 Għandu jinżamm rekord tar-*roster* tal-istaff li juri l-istaff preżenti f'kull ħin, lejn u nhar, kif ukoll il-kariga tiegħu.

27.3 Il-proporzjon tal-istaff skont ir-residenti għandu jiġi stabbilit skont il-htigiet evalwati tar-residenti, u f'konformità mal-Indiċi Barthel 20 biex jiġu identifikati b'mod xieraq il-bżonnijiet ta' kura tar-residenti kollha u l-livelli ta' staff xierqa.

27.4 Meta tiddaħħal persuna residenti ġdida u meta jkun hemm bidla fid-dipendenza ta' kwalunkwe persuna residenti, il-proporzjon ta' staff u residenti għandu jinbidel skont dan, kif stabbilit fl-Indiċi Barthel 20.

27.5 It-taħlita ta' hiliet ta' infermiera reġistrati u staff tal-kura għandha wkoll tiġi ggwidata mill-Indiċi Barthel 20 bir-rekwiżit addizzjonali minimu li jkun hemm mill-inqas infermiera reġistrata kwalifikata waħda f'kull xift.

27.6 Għandu jkun hemm staff addizzjonali fil-ħinijiet tal-ikbar attività matul il-ġurnata.

27.7 Għandu jkun hemm staff ta' viġilanza billejl fi kwantità li tirrifletti n-numru u l-htigiet tar-residenti u t-tqassim tad-Dar. Fid-djar ta' kura li jipprovdu kura medika, dan għandu jinkludi infermier/a reġistrat/a/i.

27.8 Għandu jiġi impjegat staff fi kwantitajiet suffiċjenti biex jiġi żgurat li l-*standards* relatati mal-prodotti tal-ikel, l-ikeliet u n-nutrizzjoni jiġu sodisfatti bis-sħiħ, u li d-Dar tinzamm fi stat ta' ndafa u iġjene, mingħajr ħmieġ jew irwejjah spjaċevoli.

27.9 L-infermiera u l-istaff kuranti kollha għandhom ikunu kapaċi jikkellmu bl-Ingliż jew bil-Malti. Il-manigment għandu jiżgura li ma jkunx hemm ostakli lingwistiċi għall-klijenti.

27.10 Id-detentur tal-liċenza għandu jiżgura li kull persuna residenti jkollha tabib u, jew ġerjatra għall-kura primarja tagħha, u li dan it-tabib ikun responsabbli għall-pjan ta' kura inizjali u għal valutazzjonijiet u revizjonijiet sussegwenti. Għandu jkun hemm fis-seħħ sistema dokumentata b'mod ċar dwar l-aċċess għal kura medika ta' emerġenza.

27.11 Fil-kuntratt ta' kull persuna residenti, id-detentur tal-liċenza għandu jindika kif ġie assenjat it-tabib u min hu responsabbli mill-ispejjeż ta' dawn is-servizzi mediċi.

*Standard 28 - Kwalifiki*

RIŻULTATI:

Ir-residenti jgawdu sikurezza u kura adegwata f'kull hin.

28. L-istaff kollu responsabbli mill-kura tar-residenti għandu jkollu t-taħriġ applikabbli xieraq kif rikjest mir-Regolatur iżda mill-inqas il-livell 3 tal-MQC. L-infermieri registrati għandhom ikunu registrati mal-Kunsill tal-Infermiera u l-Qwiebel filwaqt li l-istaff tal-kura għandu jkollhom ċertifikat rikonoxxut fil-kura tal-anzjani u jissodisfaw il-kriterji tar-registrazzjoni tar-registru applikabbli skont id-dispożizzjonijiet tal-Att tal-2016 dwar *Care Workers*.

*Standard 29 - Reklutaġġ*

**RIŻULTATI:**

Ir-residenti huma appoġġjati u protetti bil-*policy* u l-prattiki bil-miktub dwar l-impjegar fid-Dar (aċċessibbli onlajn).

29.1 Id-detentur tal-liċenza registrat għandu juża proċedura ta' impjegar intensiva, dokumentata u trasparenti bbażata fuq opportunitajiet indaqs, u għandu jiżgura l-protezzjoni tar-residenti f'kull hin.

29.2 Għandhom jinkisbu mill-inqas żewġ referenzi bil-miktub qabel ma jiddaħhal membru tal-istaff ġdid, u kwalunkwe diskrepanzi fir-*records* tal-impjiegi għandhom jiġu investigati.

29.3 Membri tal-istaff godda għandhom jiġu kkonfermati fil-karigi tagħhom biss wara li jkunu pprezentaw Ċertifikat ta' Kondotta nadifa.

29.4 L-istaff għandu jiġi impjegat f'konformità mal-kodiċi ta' kondotta u prattiki stabbilit mill-korpi professjonali rispettivi.

29.5 Id-detentur tal-liċenza għandu jkollu Kodiċi ta' Etika fis-seħħ għall-membri kollha tal-istaff li jkun konsistenti mal-prinċipji li fuqhom huma bbażati dawn l-*Standards*.

29.5 L-impjegati kollha għandhom jirċievu kuntratt tax-xogħol u deskrizzjoni tal-impjieg. Kopja tal-Att dwar l-Impjiegi u r-Relazzjonijiet Industrijali għandha tkun aċċessibbli għall-istaff kollu tad-Dar.

29.6 Il-proċess ta' impjegar u selezzjoni tal-volontiera kollha fid-dar għandu jkun wiehed intensiv u jinkludi verifiki mill-pulizija.

*Standard 30 - Taħriġ ta' Staff*

## RIZULTATI:

L-istaff kollu jkollu t-taħriġ u l-kompetenza biex iwettaq dmirijietu.

30.1 Id-detentur tal-liċenza għandu jiżgura li jkun hemm programm ta' taħriġ u żvilupp tal-istaff biex jiġu sodisfatti l-htigiet kurrenti u varjabbli tar-residenti.

30.2 Il-membri kollha tal-istaff għandhom jirċievu taħriġ ta' introduzzjoni fi żmien 6 ġimgħat mill-hatra fil-karigi tagħhom, inkluż taħriġ dwar il-prinċipji ta' kura, il-prattiki tax-xogħol sikuri, ir-rwol tal-organizzazzjoni u tal-impjegati, l-esperjenzi u l-htigiet partikolari tal-grupp residenti, u l-influwenzi u r-rekwiżiti partikolari tal-post fejn ikun qed jingħata s-servizz.

30.3 L-istaff kollu għandu jingħata taħriġ formali dokumentat li jinkludi, iżda mhux limitat għal, taħriġ dwar l-immaniġġjar u t-trasport, u taħriġ dwar nirien u sigurtà fi żmien l-ewwel sitt xhur mill-hatra, li jagħtih il-hiliet biex ikun jista' jwieġeb għall-htigiet evalwati tar-residenti kollha kif definit fil-pjan ta' kura individwali tagħhom.

30.4 L-istaff kollu għandu jingħata taħriġ minimu ta' tliet ijiem imhallsa fis-sena (inkluż taħriġ intern), u għandu jkollu profil ta' valutazzjoni individwali dwar it-taħriġ u l-iżvilupp.

## KAPITOLU 7 - Maniġment u Amministrazzjoni

## Dahla

Din it-taqsimha tistabbilixxi l-*istandards* relatati mal-kwalitajiet u l-kwalifiki meħtieġa mill-persuni inkarigati mill-kontroll regolari tat-twassil tal-kura, u kif dawn għandhom jeżerċitaw ir-responsabilitajiet tagħhom.

Kemm ir-regolamenti kif ukoll l-*istandards* jenfasizzaw l-importanza li r-residenti jiġu kkonsultati dwar is-saħħa u l-kura personali tagħhom, l-interessi u l-preferenzi tagħhom.

Rekwiżit ewlieni ta' dawn l-*istandards* huwa li r-residenti jintalbu jagħtu l-opinjoni tagħhom b'mod regolari u li r-rizultati tal-istħarriġ jiġu ppubblikati.

*Standard 31- Hidmiet ta' kuljum*

RIŻULTATI:

Ir-residenti jkunu jghixu f'Dar immexxija minn persuna kompetenti, li jkollha kondotta xierqa u li tkun kapaċi tiegħu r-responsabilitajiet tagħha bis-shiħ.

31.1 Il-maniger registrat għandu jkun kompetenti fil-manigment u fi xjenzi relatati mas-saħħa.

31.2 Il-maniger registrat għandu jkun responsabbli minn mhux iktar minn stabbiliment registrat wiehed.

31.3 Il-maniger registrat għandu juri li jkun ha taħrig perjudiku biex jaġġorna l-għarfien, il-hiliet u l-kompetenzi tiegħu, filwaqt li jimmaniġġja d-Dar.

31.4 Il-maniger u l-istaff f'livell superjuri għandu jkun familjari mal-kundizzjonijiet/mard assoċjat mal-età avvanzata.

31.5 Id-deskrizzjoni tal-impjeg tal-maniger registrat għandha tippermettilu jieħu r-responsabilità għat-twettiq tal-obbligi tiegħu.

31.6 Għandu jkun hemm linji ċari dwar teħid ta' responsabilità fi hdan id-Dar u quddiem kwalunkwe manigment u, jew Bord estern eżistenti.

31.7 Il-maniger registrat għandu jiżgura li r-responsabilitajiet tal-membri kollha tal-istaff ikunu spjegati b'mod ċar u dokumentati kif xieraq.

31.8 Meta d-detentur tal-liċenza ikollu r-responsabilità tal-kontroll regolari tad-Dar, huwa għandu jissodisfa l-istandards kollha li japplikaw għall-maniger registrat.

*Standard 32 - Etika*

RIŻULTATI:

Ir-residenti jibbenefikaw mill-prinċipji, mit-tmexxija u mill-manigment pożittivi tad-Dar.

32.1 I d-detentur tal-liċenza/maniger registrat għandu jiżgura li l-attitudni tal-manigment trawwem atmosfera espansiva, pożittiva, inklużiva u amikevoli.



32.2 Il-manigier reġistrat għandu jwassal sens ċar ta' direzzjoni u tmexxija, li l-istaff u r-residenti jifhmu u li jippermettilhom jirrelataw irwiehhom mal-miri u l-iskop tad-Dar.

32.3 Il-manigier reġistrat għandu jkollu strategiji dokumentati li jippermettu lill-istaff, lir-residenti u lil partijiet interessati ohra jkollhom sehem fil-mod kif jinghata s-servizz.

32.4 Il-proċessi tal-manigment u t-tmexxija tad-Dar għandhom ikunu aperti u trasparenti.

32.5 L-ippjanar u l-prattika fl-immaniġġjar għandhom iheggu l-innovazzjoni, il-kreattività u l-iżvilupp.

32.6 Għandu jkun hemm impenn biex jinghataw opportunitajiet indaqs fl-organizzazzjoni kif stabbilit fl-Att dwar l-Ugwaljanza għall-Irġiel u n-Nisa jew kull Att ieħor li jirrigwarda l-Ugwaljanza.

32.7 Il-persuna reġistrata għandha tikkonforma mal-Kodiċi ta' Prattika professjonali tagħha fejn il-Kodiċi jittratta l-immaniġġjar ta' Dar ta' kura.

32.8 Il-manigier reġistrat għandu jikkonforma mal-Karta tad-Drittijiet tar-Residenti tad-Djar ta' Kura għall-Anzjani.

### *Standard 33 - Garanzija tal-Kwalità*

#### **RIŻULTATI:**

Id-Dar titmexxa fl-aħjar interessi tar-residenti kollha.

33.1 Għandu jkun hemm fis-seħh sistemi effikaċi relatati mal-garanzija tal-kwalità u l-monitoraġġ tal-kwalità, li jfittxu li jqisu l-fehmiet tar-residenti, ir-rappreżentati tagħhom u l-qraba, biex ikun jista' jitkejjel kemm tassew ikunu qed jintlaħqu l-miri, l-għanijiet u l-iskop dikjarat tad-Dar. Dan għandu jiġi dokumentat.

33.2 Għandu jkun hemm pjan ta' żvilupp annwali tad-Dar, ibbażat fuq ċiklu sistematiku ta' ppjanar - azzjoni - reviżjoni, li jirrifletti l-miri u r-riżultati fir-rigward tar-residenti.

33.3 Għandu jkun hemm awtomonitoraġġ, fejn jintuza metodu ogġettiv, użat u rivedut b'mod konsistenti u verifikabbli (preferibbilment sistema ta' garanzija tal-kwalità rikonoxxuta fuq livell professjonali) u li jinvolvi lir-residenti; filwaqt li għandu jsir awditjar intern mill-inqas kull sena.

33.4 Ir-riżultati tal-istharrig fost ir-residenti u ta' kwalunke awditjar għandhom jiġu ppubblikati u jkunu għad-dispożizzjoni tar-residenti attwali u prospettivi, ir-rappreżentanti taħhom u partijiet interessati oħra, inkluż ir-Regolatur.

33.5 Ir-residenti għandhom jintalbu jipprovdu r-rispons tagħhom regolarment kemm individwalment kif ukoll permezz ta' diskussjoni fi gruppi, u mill-inqas darba fis-sena permezz ta' kwestjonarji dwar is-sodisfazzjon tal-utenti. Ir-residenti għandhom jiġu mhegga jiffurmaw assoċjazzjoni.

33.6 Il-qraba u l-ħbieb kif ukoll partijiet interessati oħra fil-komunità (pereżempju tobbja, podjatra, staff ta' organizzazzjonijiet volontarji) għandhom jintalbu jagħtu l-opinjoni tagħhom regolarment dwar l-ilhuq tal-miri tad-Dar, u dawn l-opinjoni għandhom jiġu dokumentati kif xieraq.

33.7 Ir-residenti għandhom jiġu infurmati dwar spezzjonijiet ippjanati li jsiru mir-Regolatur u għandu jkollhom aċċess għall-ispetturi. Il-fehmiet tar-residenti, ir-rappreżentanti tagħhom u l-qraba għandhom jitwasslu lill-ispetturi biex dawn jinkludhom fir-rapporti tagħhom. Il-kunfidenzjalità u l-anonimità għandhom jiġu rispettati kull meta jintalab dan.

33.8 Il-*policies*, il-proċeduri u l-prattiki għandhom jiġu riveduti regolarment fid-dawl ta' bidliet fil-liġi u avvizi dwar Prattiki tajbin maħruġa mid-Dipartiment tas-Saħħa.

33.9 Għandha tittiehed azzjoni fiż-żmien stipulat biex jiġu implimentati rekwiziti identifikati fir-rapporti ta' spezzjoni tar-Regolatur.

#### *Standard 34 - Proċeduri Finanzjarji*

##### RIŻULTATI:

Ir-residenti jkunu mħarsa permezz tal-proċeduri finanzjarji u ta' kontabilità tad-Dar.

34.1 Għandhom jiġu adottati proċeduri xierqa ta' kontabilità, awditjar u finanzi biex tingħata prova tal-vijabilità finanzjarja attwali u biex jiġi żgurat li d-Dar tiġi mmanigġjata b'mod effettiv u effikaċi.

34.2 Għandu jkun hemm kopertura ta' assigurazzjoni f'każ ta' telf jew dannu tal-kapital operatorju. Il-livell ta' kopertura għandu jirrifletti s-sostituzzjoni shiha ta' bini, attrezzażż dekorattiv,

attrezzaturi u tagħmir.

34.3 Għandha tiġi pprovduta assigurazzjoni għall-ispejjeż ta' interruzzjoni tal-operat (inkluż telf ta' qligħ), kif ukoll għall-ispejjeż biex l-operatur jissodisfa l-obbligi kuntrattwali tiegħu. Dawn tal-aħħar għandhom ikunu suffiċjenti biex ikopru l-obbligi legali tad-detentur tal-liċenza/persuna reġistrata fir-rigward tal-impjegati, ir-residenti u persuni terzi oħra f'limitu li jikkorrispondi mal-livell u l-firxa tal-attivitajiet koperti.

34.4 Għandu jinżamm rekord tat-tranzazzjonijiet kollha magħmula mid-detentur tal-liċenza/maniġer reġistrat.

34.5 Għandu jkun hemm pjan kummerċjali u finanzjarju għall-istabbiliment, li għandu jiġi sottopost għal spezzjoni u reviżjoni annwali.

#### *Standard 35 - Flus ir-Residenti*

##### RIŻULTATI:

Jiġu mharsa l-interessi finanzjarji tar-residenti.

35.1 Id-detentur tal-liċenza/maniġer reġistrat għandu jiżgura li r-residenti jkollhom kontroll ta' flushom u tal-assi tagħhom għajr meta jiddikjaraw li ma jkunux jixtiequ jagħmlu dan, jew meta jiġi deċiż formalment (skont leġislazzjoni lokali) li m'għandhomx il-kapaċità mentali li jimmaniġġjaw il-finanzi tagħhom. Għandu jkun hemm salvagwardji legali biex jiġu protetti l-interessi tar-residenti.

35.2 Għandu jiżamm rekord bil-miktub tat-transazzjonijiet kollha.

35.3 Meta jiġu mmaniġġjati l-flus ta' residenti individwali, id-detentur tal-liċenza/maniġer reġistrat għandu jiżgura li l-allowances personali ta' dawn ir-residenti ma jingabrux flimkien u li jinżammu rekords u riċevuti kif xieraq.

35.4 Il-policies u l-prattiki tad-Dar relatati mal-flus u l-finanzi tal-utenti tas-servizz għandhom jiżguraw l-aċċess tal-utenti għar-records finanzjarji personali tagħhom, il-ħżin sikur tal-flus u l-affarijiet ta' valur, konsultazzjoni dwar il-finanzi bil-privatezza xierqa meta r-residenti jkun jixtiequ parir dwar kwistjonijiet finanzjarji, u għandhom jipprekludu l-involviment u l-assistenza tal-istaff biex isir it-testament tal-utenti tas-servizz jew biex jibbenefikaw minnu. Kull talba għal haġra ta' kustodju għandha ssir f'konformità

C 1132

mal-leġislazzjoni applikabbli (il-Kodiċi Ċivili kif emendat bl-Att dwar it-Tutela).

35.5 Għandhom jiġu pprovduti faċilitajiet siguri għall-ħżin ta' flus u oġġetti ta' valur għan-nom tar-residenti kollha.

35.6 Għandhom jinżammu *records* u riċevuti tal-oġġetti li jinħażnu.

*Standard 36 - Superviżjoni tal-Istaff*

RIŻULTATI:

Issir superviżjoni xierqa u adegwata tal-istaff.

36.1 Id-detentur tal-liċenza/maniġer reġistrat għandu jiżgura li l-*policies* u l-proċeduri dwar l-impjegi adottati mid-Dar kif ukoll l-arrangamenti tagħha dwar l-introduzzjoni, it-taħriġ u s-superviżjoni jiġu prattikati.

36.2 Il-maniġer reġistrat għandu jiżgura li jkun hemm fis-seħħ pjan dwar il-prestazzjoni għal kull membru tal-istaff kuranti biex jippermetti li ssir valutazzjoni tal-prestazzjoni darbejn fis-sena.

36.3 Il-pjan dwar il-prestazzjoni għandu jinkludi superviżjoni li tkopri:

- l-aspetti kollha relatati mal-prattiki;
- il-filosofija ta' kura fid-Dar;
- il-htigiet ta' żvilupp tal-karriera.

36.4 Għandha ssir superviżjoni tal-istaff kollu fuq bazi kontinwa bħala parti mill-proċess maniġerjali normali.

36.5 L-infermiera reġistrati kollha tad-Dar għandhom ikunu responsabbli mis-superviżjoni tal-istaff tal-kura kollha fit-tim tagħhom.

36.6 Il-volontiera għandhom jingħataw taħriġ, superviżjoni u appoġġ adattat għar-rwol tagħhom u m'għandhomx jissostitwixxu l-istaff li jithallas.

*Standard 37 - Żamma ta' Records*

## RIŻULTATI:

Id-drittijiet u l-aħjar interessi tar-residenti jiġu mharsa permezz tal-policies u l-proċeduri tad-Dar relatati maż-żamma tar-records.

37.1 Għandhom jinżammu r-records rikjesti bil-liġi għall-harsien tar-residenti u għat-tmexxija effiċjenti u effikaċi tad-Dar, u dawn għandhom ikunu aġġornati u preċiżi.

37.2 Ir-residenti u r-rappreżentanti tagħhom għandu jkollhom aċċess għar-records tagħhom u għat-tagħrif li jkollha d-Dar dwarhom, u għandu jkollhom ukoll iċ-ċans li jikkontribwxxu biex jinżammu r-records personali tagħhom.

37.3 Ir-records tal-persuni individwali u dawk dwar id-Dar għandhom ikunu siguri, aġġornati u organizzati, u għandhom jissejju, jinżammu u jintużaw f'konformità mal-Att dwar il-Protezzjoni u l-Privatezza tad-Data u rekwiżiti statutorji oħra.

*Standard 38 - Prattiki tax-Xogħol Sikuri*

## RIŻULTATI:

Is-saħħa, is-sigurtà u l-benessri tar-residenti u l-istaff kollu jiġu promossi u protetti f'kull hin.

38.1 Id-detentur tal-liċenza/maniġer registrat għandu jassigura, safejn huwa raġonevolment possibbli, is-saħħa, is-sigurtà u t-tiżiħ tar-residenti u l-istaff kollu.

38.2 d-detentur tal-liċenza/maniġer registrat għandu jiżgura li jkun hemm prattiki tax-xogħol sikuri, u dan jinkludi:

- il-ġarr u l-immaniġġjar: l-użu ta' tekniki tat-trasport ta' nies u oġġetti biex jiġu evitati korrimenti ta' residenti jew staff;
- protezzjoni min-nirien: il-fehim u l-implimentazzjoni ta' proċeduri xierqa ta' protezzjoni min-nirien;
- l-ewwel għajnuna: għarfien ta' kif jiġu trattati l-incidenti u l-emerġenzi mediċi; il-provvista ta' kaxxa tal-ewwel għajnuna u persuna kwalifikata fl-ewwel għajnuna f'kull hin; u

ż-żamma ta' rekord tal-kazijiet kollha;

- iġjene tal-ikel: il-ħżin u l-preparazzjoni korretti tal-ikel biex jiġi evitat avvelenament tal-ikel, inkluż tikkettar tal-ikel li jnħażen u d-data tal-ħżin;
- kontroll tal-infezzjonijiet: jiġu spjegati u pprattikati miżuri biex jiġi evitat li jinfirxu infezzjonijiet u mard li jittiehed.

38.3 Il-manijer registrat għandu jiżgura s-saħħa u s-sikurezza tar-residenti u l-istaff inkluż:

- il-ħżin u r-rimi sikuri ta' materjali perikolużi;
- manutenzjoni regolari tal-boilers, tat-tankijiet tal-ilma, tas-sistemi tal-ħżin tal-gass u tal-arja kundizzjonata skont il-kuntratt magħmul mal-persuni kompetenti, u approvata minn inginier ċertifikat;
- manutenzjoni tas-sistemi elettrici u tal-apparat elettriku u approvati minn inginier ċertifikat;
- stallazzjoni, ittestjar u manutenzjoni tas-servizzi li jipprovdu u jwasslu l-ilma f'konformità ma' EN 806 1-5:2000 u CEN/TR 16355:2012;
- il-prevenzjoni tar-riskju tal-Legionella;
- il-prevenzjoni tar-riskju ta' samtiet (ilma/superfiċji jaħarqu) (jiġifieri temperatura viċin it-43°C);
- il-provvista u l-manutenzjoni tal-ilqugħ tat-twieqi, abbażi ta' valutazzjoni tal-vulnerabilità u r-riskju tar-residenti;
- iż-żamma ta' ambjent sikur inkluż l-apparat domestiku tal-kuċina u l-magni tal-ħasil; turgien u passagġi esterni; tagħmir tal-ġnien;
- is-sigurtà tal-binja;
- is-sigurtà tar-residenti abbażi ta' valutazzjoni tal-vulnerabilità tagħhom.

38.4 Id-detentur tal-liċenza/manijer registrat għandu jiżgura l-konformità mal-legiżlazzjoni rilevanti dwar is-sikurezza fuq il-post tax-xogħol.

38.5 Id-detentur tal-liċenza/maniġer reġistrat għandu jipprovdi dikjarazzjoni bil-miktub tal-*policy*, l-organizzazzjoni u l-arranġamenti relatati ma' prattiki tax-xogħol sikuri.

38.6 Id-detentur tal-liċenza/maniġer reġistrat għandu jiżgura li jsiru valutazzjonijiet tar-riskji dwar is-suġġetti kollha relatati mal-prattiki tax-xogħol sikuri u li riżultati sinifikanti ta' dawn il-valutazzjonijiet jiġu dokumentati.

38.7 Inċidenti, korrimenti u każijiet ta' mard għandhom jiġu dokumentati u rrapportati mill-istaff lill-manigiġer reġistrat. Il-mard kollu li jittiehed għandu jiġi dokumentat u rrapportat immedjatament lir-Regolatur u lis-Suprintendent tas-Saħħa Pubblika.

38.8 Għandhom jiġu stabbiliti u spjegati proċeduri ta' sikurezza b'mod li jinftiehem faċilment u li jqisu l-bżonnijiet partikolari ta' komunikazzjoni tar-residenti.

38.9 L-istaff kollu għandu jingħata taħriġ ta' introduzzjoni u taħriġ formali, u għandu jiġi aġġornat fuq is-suġġetti kollha relatati ma' prattiki tax-xogħol sikuri.

38.10 Id-detentur tal-liċenza/maniġer reġistrat għandu jiżgura provvista xierqa ta' tagħmir f'kundizzjoni tajba (siġġijiet tar-roti, hoists, saqqijiet tal-arja, imħaded ta' pressjoni, sodod b'angoli u għoli aġġustabbli, eċċ.) li jaqdi l-htigiet tar-residenti kollha.

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## Skeda 2

### Klassifikazzjoni ta' Djar

#### (Artikolu 17)

Kriterji	Sub-Kriterji	Kumment
Struttura & Ambjent	Żoni kumuni - Ġewwa	Espert = perit
	Żoni kumuni - Barra	Espert = perit
	Resident - Tagħmir	Espert = perit
Faċilitajiet & Tagħmir	Residenti	-
	Impjegati	-
	Vizitatur	-
Management & Servizzi	Klinika (Mediċini)	Espert = intern
	Operazzjoni	-
	Amministrazzjoni	-
	Servizzi ta' Appoġġ	-
	Xjuħija Attiva	-

# VERŻJONI ELETTRONIKA

C 1136

	<i>Policies</i>	-
	Dokumentazzjoni	-
	Proċessi	-
Impjegati	Numru ta' impjegati	-
	Reġistrazzjoni	-
	Kawlifiki	-
	<i>CPD</i>	-
	Ċertifikazzjoni	-
Sigurtà kontra n-Nar	Tagħmir u Faċilitajiet	Espert = uffiċjal tas-sigurtà kontra n-nar
	Proċessi	-
Saħħa u Sigurtà	Impjegati	Espert = Uffiċjal S&S
	Residenti	-
	Vizitatur	-
Saħħa ambjentali	-	Espert = spettur sanitarju
Ikel	Nutriment	Espert = espert tad-dieta
	<i>Dysphagia</i>	Espert = SLP
	Maniġġjar tal-ikel	Espert = S&S
	Firxa	-
	Servizz ta' lukanda	-
Kontroll ta' Infezzjonijiet	Proċessi	Espert = infermier/uffiċjali tal-kontroll ta' infezzjonijiet
	Facilitajiet / tagħmir	-
	Senjaletika	-

## Skeda 3

### Pieni Amministrattivi

#### (Artikolu 45)

Artikolu	Nuqqas	Piena	Piena kuljum
17(2)	Nuqqas li d-dar tal-kura jew tal-infermerija tinzamm jew tiġi mmanigġjata skont il-kategorija li hi kklassifikata fiha	minimu €5,000 massimu €10,000	€3,500
24	Nuqqas li tingħata informazzjoni meta mitluba mill-Awtorità	minimu €5,000 massimu €10,000	€500
25	Nuqqas ta' konformità mad-dispożizzjonijiet tal-Att jew il-pattijiet tal-liċenza	minimu €5,000 massimu €10,000	€500



26	Nuqqas li wiehed jippermetti l-ispezzjon tas-sit mill-uffiċjali tal-Awtorità	minimu €5,000 massimu €10,000	€500
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Skeda 4

(Artikolu 13)

Għandu jithallas lill-Awtorità, dwar il-ħruġ jew tiġdid ta' liċenza murija taht il-Kolonna 1 ta' din l-iSkeda, id-dritt muri taht il-Kolonna 2 ta' din l-iSkeda

Drittijiet għal Liċenza

Kolonna 1 Tip	Kolonna 2 Dritt
Djar għal persuni anzjani, djar ta' infermerija jew stabbiliment jew istituzzjoni oħra bħalhom b'anqas minn 100 sodda .....	€2,000 fis-sena
Djar għal persuni anzjani, djar ta' infermerija jew stabbiliment jew istituzzjoni oħra bħalhom b'aktar minn 100 sodda .....	€3,500 fis-sena

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**Għanijiet u Raġunijiet**

L-għan ta' dan l-Abbozz ta' Liġi hu biex jipprovdi qafas legali speċifiku għall-operazzjoni u mmaniġġjar ta' djar ta' kura u infermerija għal persuni anzjani bl-iskop aħħari jkun l-protezzjoni tat-tishih fiziku, emozzjonali u soċjali ta' persuni anzjani. L-Abbozz jimmira li jstabbilixxi *standards* li tali djar għandhom jilhqu biex jiġi garantit it-tishih ta' persuni anzjani. L-Abbozz iwaqqaf ukoll l-Awtorità għal Djar ta' Persuni Anzjani (*Standards* ta' Kwalità fil-Kura) li għandha tagħmilha ta' regolatur u superviżur fuq l-operat ta' dawk id-djar.

**A Bill  
entitled**

*AN ACT to provide for the establishment of an Authority to be known as the Homes for Older Persons (Care Quality Standards) Authority and for the exercise by that Authority of regulatory functions and the establishment of the Minimum Standards for Care for Nursing Homes and to provide for matters connected therewith or ancillary thereto.*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:-

Part I

Preliminary

Short title.           **1.** The short title of this Act is the Homes for Older Persons (Care Quality Standards) Authority Act, 2016.

Interpretation.       **2.** (1) In this Act, unless the context otherwise requires -

"Authority" means the Homes for Older Persons (Care Quality Standards) Authority, as established under article 6;

"care and nursing homes" means a residential facility licensed by the State that includes rooms for boarding and health care services;

"Chairperson" means the Chairperson appointed under article 5;

"Chief Executive Officer" means the Chief Executive Officer appointed under article 12;

"code of practice" means a standard, specification or any other

written or illustrated form of practical guidance, instruction or control;

"financial year" means any period of twelve months ending on the 31st December of each calendar year;

"legally responsible person" means the person who is providing the service under this Act;

"licensed service provider" means any person or organisation that has been granted a valid licence by the Authority to operate care and nursing homes for older persons or to provide other ancillary services;

"Minister" means the Minister responsible for older persons and long term care;

"person" includes a reference to a physical person or a body of persons whether such body of persons has a distinct legal personality or not or any body corporate established by or under any law;

"prescribed" means prescribed by regulations made under this Act;

"prospective service provider" means any person who intends to operate care and nursing homes for older persons and who applies to the Authority for a licence;

"public officer" shall have the meaning assigned to it by article 124 of the Constitution of Malta;

"service" means any service being provided to a service user in care and nursing home;

"service user" means any older person who is living in or frequenting or in any way benefiting or making use from a service offered by a care and nursing home that is regulated by this Act or any regulation made in terms of this Act;

"standard" means those mandatory requirements that are issued by the Authority to service providers in accordance with the provisions of this Act;

"Tribunal" means the Administrative Review Tribunal established by article 5 of the Administrative Justice Act.

Cap. 490.

(2) This Act shall apply to all care and nursing homes both public and private except *sui generis* facilities as outlined, defined

and included in the minimum standards themselves.

Part II

Declaration of Principles

Promotion and regulation of care.

**3.** The Government shall, through the establishment of the Authority, seek to promote and develop the regulation of care, assistance and service provision in Malta in care and nursing homes by public and private entities and to regulate the conduct of care workers in their day to day work with the older persons with whom they work.

Protection of older persons.

**4.** The protection of older persons in care and nursing homes is to be considered of public interest.

Principles governing the Authority.

**5.** (1) The Authority shall determine the national policies, objectives and minimum standards to be met by private and public entities in setting up and providing services in care and nursing homes. The Authority shall ensure that the level of standard established by the Act and by regulations made under this Act are adhered to.

(2) The Authority shall endeavour to:

(a) develop regulatory standards for the provision of services and assistance to older persons who are in need of care, which standards are necessary, consistent, and are customer-oriented, effective and proportionate. In developing and setting such regulatory standards the following basic principles shall be respected at all times:

(i) the adoption of a person-centred case by case approach in nursing homes, by subscribing to the need for a recognition of and connection with the person, focusing on residents' strengths and goals, and the centrality of interpersonal relationships;

(ii) respect of the right of a service user to live in dignity and security;

(iii) the security of the right of the service user to be completely free from exploitation, abuse and discrimination including discrimination based on age, sex, race, ethnic origin, disability, cognitive level, marital or family status, beliefs, and sexual orientation;

(iv) respect of the service user's privacy;

(v) the provision of the care required by the service user so that the resident would retain optimal physical and mental health, including all opportunities and facilities to enable a service user to continue being physically and mentally active, and to maintain the highest level of independence possible;

(vi) ensuring that a service user is provided with opportunities to achieve his full potential through easy access to social, recreational, cultural, educational, productive and spiritual resources;

(vii) the protection of the service user's right to autonomous decision-making and, where the service user lacks such capacity to ensure that there is in force a mechanism which facilitates consultation with the authorised legal representative before decisions involving the service user are taken;

(b) assist the licensed service providers to achieve a higher quality of service and in so doing shall endeavour to use positive enforcement methods and as far as possible refrain from negative enforcement mechanisms;

(c) assist in developing the capacity of licensed service providers to achieve a higher quality of care for service users;

(d) enforce in a pro-active manner the standards and conditions set in the licences awarded by the Authority to a service provider; and

(e) ensure that service providers deliver the maximum possible quality of service, assistance or care that can be given to an older person according to the needs of the end user.

(3) The Authority shall endeavour to ensure the holistic well-being of all older persons in all care and nursing homes including the physical, psychological and social well-being of the older persons and that these principles are safeguarded by whoever is so obliged to do.

(4) The Authority shall endeavour to ensure that the level of standards established by this Act and by regulations made under this Act are maintained at all times.

Part III

Establishment, Functions and Conduct of Affairs of the Authority

Establishment  
and composition  
of the Homes  
for Older  
Persons (Care  
Quality  
Standards)  
Authority.

6. (1) There shall be established an Authority, to be known as the Homes for Older Persons (Care Quality Standards) Authority, whose functions shall be to set regulatory standards for care and nursing homes for older persons and to ensure that such standards are duly complied with in accordance with the provisions of this Act.

(2) The Authority shall consist of seven members all appointed by the Minister:

(a) a Chairperson;

(b) the Director of the Department of Active Ageing and Community Care, *ex officio*, who shall act as Deputy Chairperson;

(c) two members, appointed by the Minister, with competence in residential care, who shall be nominated and, or elected by registered service providers;

(d) the Commissioner for Older Persons, *ex officio*; and

(e) two members appointed by the Minister to represent the interests of care recipients; these two members shall be nominated and, or elected by the care recipients.

(3) The Minister shall appoint a person to act as Secretary to the Authority.

(4) The Chairperson and the other members of the Authority shall hold office for a period of five years, but the members so appointed may be re-appointed on the expiration of their term of office:

Provided that no member shall hold office as a member of the Authority for more than two consecutive terms:

Provided further that if a member is appointed at any time after the other members have already been appointed, the term of appointment of such member shall end on the same date as that of the other members.

(5) A person shall not be qualified to hold office as a member of the Authority if such person:

- (a) is a Minister or a Parliamentary Secretary; or
- (b) is a judge or magistrate of the courts of justice; or
- (c) is legally incapacitated; or
- (d) has been declared bankrupt or has made a composition or arrangement with his creditors; or
- (e) has been convicted of a crime affecting public trust or theft or fraud or knowingly receiving property obtained by theft or fraud, or of bribery or of money laundering or any offence against this Act or against any act or legislation relative the abuse against older persons; or
- (f) has a financial or other interest in any enterprise or activity which is likely to affect the discharge of the functions as member of the Authority:

Provided that the Minister may determine that the interest of the person under this paragraph is not likely to affect the discharge of his functions and upon such determination that person shall be qualified to hold office of member of the Authority provided that the declared interest and the determination of the Minister are published in the Gazette.

(6) Subject to the provisions of this article, the office of a member of the Authority shall become vacant -

- (a) at the expiration of the term of office; or
- (b) if any circumstances arise that, if the member was not a member of the Authority, would cause the member to be disqualified for appointment as such.

(7) The Chairperson of the Authority as well as the members of the Authority may be removed from office by the Minister, if in the opinion of the Minister, the Chairperson or member is unable to discharge his functions whether such inability arises from infirmity of mind or body or any other cause or for misbehaviour or the Chairperson or the members are no longer suitable to continue in office.

(8) If the office of Chairperson of the Authority is vacant or if he is for any reason unable to perform the functions of his office, the Minister may appoint a person to act as a temporary Chairperson of the Authority; and any person so appointed shall cease to be such a temporary Chairperson when a person has been appointed to fill the

C 1144

vacancy or, as the case may be, when the Chairperson who was unable to perform the functions of his office resumes those functions.

(9) In the exercise of its functions the Authority shall not be subject to the direction or control of any other person or authority.

Legal  
personality and  
representation  
of the Authority.

7. (1) The Authority shall be a body corporate having a distinct legal personality and shall be capable, subject to the provisions of this Act, of entering into contracts, of acquiring, holding and disposing of any kind of property for the purposes of its functions, or suing and being sued, and of doing all such things and entering into all such transactions as are incidental or conducive to the exercise or performance of its functions under this Act.

(2) The legal representation of the Authority shall jointly vest in the Chairperson and the Chief Executive Officer:

Provided that the Authority may appoint any one or more of its members or of the officers or employees of the Authority to appear in the name and on behalf of the Authority in any judicial proceedings in any act, contract, instrument or other document whatsoever.

(3) Any document purporting to be an instrument made or issued by the Authority and signed by the Chairperson or by the Chief Executive Officer shall be received in evidence and shall, until the contrary is proved, be deemed to be an instrument made or issued by the Authority.

Functions of the  
Authority.

8. (1) The Authority shall have the following functions:

(a) to establish the minimum regulatory standards for care and nursing homes and the enforcement of such standards as may be necessary to ensure a quality level of services provided to older persons in such institutions;

(b) to establish criteria for the granting, refusal, suspension or revocation of licensing for care and nursing homes for older persons;

(c) to grant, refuse, suspend or revoke any licence;

(d) to implement the provisions of this Act and of any regulations or orders made thereunder;

(e) to establish strategies by which the general national policy relating to minimum standards, indicated to it by the Minister, may be implemented;



(f) to advise the Minister regarding the making of regulations to promote, maintain and protect a high level of care and nursing in homes;

(g) to monitor compliance with relevant legislation and minimum standards and to take enforcement action;

(h) to prepare regulations or Codes of Practice required to promote, maintain and protect a high level of care:

Provided that the Authority may appoint for this purpose, committees or sub-committees and it may co-opt on such committees or sub-committees competent persons from outside its membership, who, in the opinion of the Authority, have professional or expert knowledge on any matter dealt with under this Act; so however that the co-opted members shall not have a vote on any matter before a committee or sub-committee;

(i) to promote the dissemination of information regarding minimum standards for care and nursing homes, and the methods required to ensure the maintenance of the minimum standards and relative levels of care;

(j) to promote education and training on care related professions and care related activity;

(k) to collate and analyse data and statistics on care and nursing homes as stipulated in the minimum standards themselves:

Provided that the Authority may request data or information on any matter related to the minimum standards and such data or information shall be provided forthwith:

Provided further that any such data or information shall be deemed to have been given and received under the obligation of confidentiality;

(l) to keep registers of care and nursing homes, care professionals and the regularisation time-frames for each and every licensed care and nursing home;

(m) to carry out any investigation on any matter concerning the minimum standards including but not limited to the investigation of any accident, injury, disease or death occurring as a result, or by reason of, any association with the minimum standards, as well as investigations to ascertain the level of care and standards provided at any care and nursing

home, and the duty of the Authority to secure the enforcement of any provision of this Act shall not be reason to debar the carrying out of such investigations:

Provided that the Authority may appoint competent persons as far as possible from the register mentioned in paragraph (u) to assist it in any investigations and to accompany its officials during an investigation;

(n) to promote and carry out scientific research aimed at better minimum standards;

(o) to keep registers of persons competent to give advice on matters related to standards:

Provided that the Authority may determine the minimum qualifications required before the name of a person may be entered into the register;

(p) to make, adopt and publish standards, in relation to any class, category or type of long term care services which shall be established by the Authority itself;

(q) to consider all applications for a permit to operate as a care or nursing home and to grant permits for such purpose;

(r) to inform the public of new subjects included in its standards programme and of the preparation or amendment of a standard, unless such standard is an identical or equivalent transposition of an international or European standard. This information shall indicate, in particular, whether the standard concerned:

(i) will transpose an international standard without being the equivalent;

(ii) will be a new standard; or

(iii) whether it will amend a standard;

(s) to cooperate with National, European, Regional or other international bodies in the field of standardization of care and long term care services and to exchange information therewith generally, and in particular to such extent as may be provided for in any international obligation entered into by Malta or as may be prescribed;

(t) to impose any fine or measure on any licensed

service provider;

(u) to keep register of qualified care workers; and

(v) to perform such other functions as may be assigned to it under the provisions of this Act or of any other law.

(2) The power conferred on the Authority to make, adopt and publish standards shall be construed as including the power, exercisable in like manner, to vary, substitute or revoke any such standard.

9. (1) The meetings of the Authority shall be called by the Chairperson as often as may be necessary but at least once a month either on his own initiative or at the request of any two of the other members.

Meetings of the Authority.

(2) The Authority may act notwithstanding any vacancy among its members.

(3) Half the number of members shall form a quorum. Decisions shall be adopted by a simple majority of the votes of the members present and voting.

(4) The Chairperson shall have an original vote and, in the event of an equality of votes, a casting vote; in the absence of the Chairperson, the Deputy Chairperson shall preside over the meeting; the Deputy Chairperson shall for such meeting have the same rights as the Chairperson.

(5) A member of the Authority who is in any way directly or indirectly interested in a decision made or proposed to be made by the Authority shall, as soon as possible after the relevant circumstances have come to his knowledge, disclose the nature of the interest at the first meeting of the Authority.

(6) Any disclosure made under sub-article (5) shall be recorded in the minutes of the meeting of the Authority, and that member:

(a) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that deliberation or decision; and

(b) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.

(7) Subject to the provisions of this Act and to any regulation

made thereunder, the Authority may regulate its own procedure.

(8) The Authority shall have the power to consult professionals or other persons having knowledge and experience in the field of social welfare services.

(9) In the exercise of its functions, the Authority may, in relation to any matter that falls under the provisions of this Act, require any person to provide any information and to produce any documentation.

(10) The members of the Authority, the Secretary of the Authority and any person employed with the Authority shall be bound by confidentiality and shall not disclose to any third party any information which may come to their knowledge in the exercise of their functions, unless required to do so by a court of law.

(11) The Authority shall lay on the table of the House an annual report of all its activities during the preceding calendar year by not later than the 15th April of each year.

Publication of standards.

**10.** The list of standards is established in Schedule 1 and any amendments to the list of standards may be made by regulations made by the Minister after consulting the Authority.

Language of Schedules.

**11.** Without prejudice to the other provisions of this Act or of any other law, the list of standards in Schedule 1 and any amendment thereto by the Authority may be made, published, prescribed or made available to the public in the English language only.

Conduct of the affairs of the Authority.

**12.** (1) Subject to the other provisions of this Act, the affairs and business of the Authority shall be the responsibility of the Authority itself but, save as aforesaid, the executive conduct of the Authority, its administration and organisation and administrative control of its officers and employees, shall be the responsibility of the Chairperson of the Authority, who shall, in addition to those prescribed by law, also have such other powers as may from time to time be delegated to him by the Authority.

(2) The Authority shall establish the necessary structure as appropriate, and vest in such structure the powers and responsibilities as it may decide and which it may vary from time to time, as it deems appropriate.

(3) The Authority shall exercise its functions through the structure so established and, subject to the overall supervision and control of the Chairperson, it shall vest in such structure its functions as relate or are ancillary to the matters for which it is responsible so

as to enable the said structure to give effect to the policies of the Authority and to otherwise discharge effectively and efficiently the functions of the Authority in its respective area of operation.

(4) The structure so established shall be headed by a Chief Executive Officer who shall either be a public officer detailed for duty with the Authority or an employee of the Authority or a person detailed to work for the Authority in accordance with an agreement made between the Authority and a public or private undertaking:

Provided that such person, shall have adequate experience or knowledge in the respective area of operation.

(5) The Authority may exercise any one or more of its functions either directly through its structure or through any of its officers or employees or through an agency authorised for the purpose, or through a contractor or other person with whom an agreement for the performance of any one or more of such functions has been entered into:

Provided that nothing in this sub-article shall authorise the Authority to contract out any of its regulatory or licensing functions.

(6) Where in this Act anything is to be done by or against or with respect to the Authority, or any notice is to be or may be given to the Authority, any such thing or notice may also be done by or against or with respect to or be given to the structure under whose jurisdiction the matter falls by reason of a delegation of function to such structure; and for the purposes aforesaid any reference in this Act to the Authority includes a reference to the appropriate structure.

(7) The Chairperson shall be responsible for the implementation of the decisions of the Authority in the exercise of its functions and, without prejudice to the generality of the foregoing, the Chairperson shall -

- (a) lead the Authority towards fulfilling its obligations at law;
- (b) establish the strategic direction for the Authority;
- (c) ensure that the proper organisational structure is in place to deliver the obligations at law and the implementation of the strategy as set by the Authority;
- (d) ensure that the decisions taken by the Authority are properly carried out by the structure of the Authority.

C 1150

(8) Before administering the following acts, the Chairperson shall have such acts sanctioned by a majority of members of the Authority:

- (a) suspension or revocation of any licence; or
- (b) the alteration of the terms and conditions of licensed service provider:

Provided that, in order to assist the Chairperson in the execution of these functions, the Authority may, following consultation with the Minister, appoint a Chief Executive Officer in order to assist the Chairperson in the administration and organisation of the structure and the administrative control of its officers shall be the responsibility of the Chief Executive Officer, who shall have such powers as may from time to time be delegated to him by the Chairperson.

(9) In cases of urgency the Chairperson may order inspections to be carried out on any premises wherein it is believed that a service which is being provided is prejudicial or harmful to the service user:

Provided that in the exercise of this function, the Chairperson may request the assistance of the Executive Police in order for such inspections to be carried out.

(10) Whenever the results of an urgent inspection, carried out in terms of sub-article (9), are positive, the Chairperson shall either:

- (a) report such findings to the Commissioner of Police;  
or
- (b) bring the matter before the Authority within three working days so as to decide upon any future administrative action.

(11) The Authority shall handle all requests relating to licensing of care and nursing homes and relative services and complaints about the service or conduct of service providers.

(12) In carrying out any of its functions, the Authority may request the assistance of the Executive Police whenever necessary.

## Part IV

## Licensing

**13.** (1) No person shall use any premises as a home for older persons and nursing homes or any other similar establishment used as a home for older persons or institution used as a home for older persons, by whatever name called, unless there is in respect of such premises a valid licence for the purpose issued by the Authority and no person may open or carry on any establishment or institution for any of the purposes aforesaid unless he is in possession of a valid licence for the purpose issued by the Authority.

Requirement to operate from premises that are licensed.

(2) No licence shall be granted or renewed under sub-article (1) if the premises, equipment and facilities as well as the personnel, whether medical or otherwise, are not such as to provide such standard of medical care or service as the Authority deems to be satisfactory.

(3) The Authority may, in granting or renewing any licence under sub-article (1), impose any such condition as the Authority may deem fit and may restrict the services and the activities that may be provided or carried on in the licensed premises.

(4) Where any premises are used or any act is done in contravention of any condition or restriction, contained in a licence granted or renewed under sub-article (1), any premises so used and any act so done shall be deemed to have been used or done without the licence required by this article.

(5) Any licence granted under the provisions of sub-article (1) shall lapse on the 31st December of the year in which it is issued but may be renewed by the Authority from year to year. Any such licence shall also lapse if there is a declaration of guilt under Part IX.

**14.** (1) A prospective service provider may apply to the Authority, in the prescribed form in order to be granted a licence to operate a care or nursing home for older persons.

Submission and examination of the application to operate a care or nursing home for older persons.

(2) When an application for a licence is received in terms of sub-article (1) the Authority shall inspect the premises to ensure the suitability of the premises for use as a care or nursing home in accordance with the minimum standards established in Schedule 2.

(3) The Authority may, at any time during the processing of the application, require the prospective service provider to provide any documents and information deemed necessary and shall visit the premises intended to be used for the provision of the service in order

C 1152

to make its assessment and ascertain whether the licence should be granted or not.

Temporary licences.

**15.** The Authority may grant a temporary licence to a prospective service provider who is in the process of setting up a service regulated under this Act but who does not meet all standards required by this Act or any other regulation made thereunder:

Provided that a temporary licence may only be granted if it is provided for in the relevant regulation and the prospective service provider is in conformity with the standards stipulated in the relevant regulation.

Licence certificate.

**16.** Upon granting a licence to a prospective service provider, the Authority shall issue a licence certificate.

Classification of care and nursing homes.

**17.** (1) Upon being granted a licence, a care or nursing home shall be given such classification or re-classification, in accordance with such regulations as may be in force from time to time, which reflects the standard and level of service provided by such home.

(2) When it appears to the Authority, after such investigation as it may deem fit, that a care or nursing home is not being kept or managed up to the standard required by the home according to the category in which it was classified, the Authority may re-classify the home. Any such re-classification shall be notified to the holder of the relative licence and the re-classification shall have effect as from the date on which it is so notified.

(3) Where, in accordance with the provisions of article 27, an appeal is filed against a classification made by the Authority under sub-article (1), such classification shall not become effective until the appeal is finally determined.

(4) Any certificate of classification which has been revoked or substituted shall be returned to the Authority.

(5) No person shall advertise or represent a home as belonging to a category higher than that to which it actually belongs according to its classification, or as offering particular amenities or services which it does not in fact provide at the time of such advertisement or representation. Whosoever makes such misrepresentations shall be guilty of an offence under this Act and this without prejudice to any other action or remedy which is available to any injured party in consequence of such advertisement or representation.

Renewal of licence.

**18.** (1) The licence may be renewed by the Authority



provided that the licensed service provider has complied with the provisions of this Act and of any regulation made thereunder.

(2) A licensee wishing to renew a licence which is due to expire shall, at least six months before such expiry, apply to the Authority for such license to be renewed.

(3) The Authority shall renew the licence if it is satisfied that the home is operated in accordance with the provisions of this Act and following an assessment conducted by the Authority confirming adherence with the minimum standards established in Schedule 2.

(4) The decision of the Authority on the renewal of the licence shall be served on the licensed service provider by registered mail, not later than thirty days from the application for renewal.

(5) The licensed service provider shall ensure that the licence, or a copy of it, is kept affixed in a prominent place in the principal office of the premises from which the service is provided. The licensed service provider shall provide access to the license to service users or potential service users upon request.

(6) The issuing and renewal of a licence shall be without prejudice to the requirement of any other license or authorization required under any other law.

**19.** (1) The Authority may refuse an application to grant a licence in terms of this Part if it deems that the prospective service provider or licensed service provider is not fit to carry out the service. The refusal, together with reasons for such refusal, shall be served in writing by registered mail to the prospective service provider or licensed service provider applying for the licence within one month from the date of application. Refusal to grant a licence.

(2) The prospective service provider or licensed service provider shall have the right to request a reversal of the decision of the Authority by filing an appeal in terms of Part VI.

(3) The prospective service provider or licensed service provider shall have the right to re-apply to the Authority for a licence if the reason for the refusal no longer subsists.

**20.** The Authority shall have the right to revoke a licence granted in terms of this Act at any time, if the licensed service provider: Revocation of a licence.

(a) files a request in writing for revocation;

C 1154

(b) ceases to comply with the criteria of eligibility for licensing;

(c) is no longer deemed suitable to provide the service for which he is licensed and if the licensee has been sentenced to the punishment for an offence contemplated under this Act;

(d) is in breach of the conditions for licensing in accordance with the provisions of his Act or wilfully neglects or refuses to comply with any of the provisions of this Act or any other Act, or obstructs, impedes or hinders any person carrying out duties or responsibilities thereunder.

Method of revocation.

**21. (1)** The Authority shall revoke the licence in accordance with article 20(b), (c) or (d) after drawing up a report containing its recommendations on whether the licence should be revoked. The report shall include evidence of due warning to the licensed service provider that the licence may be revoked unless appropriate action is taken, in accordance with a procedure established by regulations made under this Act.

(2) The written revocation, together with the reasons thereof, shall be served on the licensed service provider by registered mail. Such revocation shall have effect from date of service.

(3) If the licence of a licensed service provider is revoked, the Licence certificate and all the records and documentation relating to the social welfare service shall become the property of the Authority.

Publication in the Gazette.

**22.** During the month of January of every year the Authority shall publish in the Gazette:

(a) a list of the licensed service providers including their full name, registered address and other relevant contact details; and

(b) a list of licensed service providers whose licence has been revoked throughout the previous calendar year and any changes in the conditions required for licensing or renewal.

## Part V

### Enforcement of Standards

The right to enter premises and obtaining of information.

**23.** The Authority shall have the right to enter any premises of a licensed service provider in order to inspect and assess the service being offered. Inspections and assessments shall be carried out by the employees of the Authority designated as assessors. Assessors shall

have the power to:

(a) inspect the service being provided by a licensed service provider;

(b) at any reasonable time and without prior announcement, enter and inspect premises which are used or which the assessor has reasonable cause to believe are being used for the purpose of providing the service;

(c) inspect all equipment, instruments, financial records, medical records, procedural manuals and any other records kept by the home and in fulfilment of their obligations under this Act and Schedules thereof;

(d) visit any person or organisation providing or believed to be providing the service without prior notice;

(e) interview any person who may be in a position to give information about the service provided, including:

(i) the manager of the service or of the premises;

(ii) the person who has the legal responsibility for the provision of the service and any other person employed in the premises;

(iii) any person who is cared for or accommodated in the premises and who gives an informed consent to be interviewed; and

(iv) any other person who is affected directly or indirectly by the service or who may have an impact upon the service;

(f) interview any persons in order to obtain information on:

(i) the state and management of the service or of the premises;

(ii) the treatment of persons cared for by the service or accommodated in the premises; and

(iii) the treatment of persons employed with the service;

(g) inspect and be provided with copies of any

C 1156

documents or records which this Act or any regulations made thereunder may require to be kept;

(h) take any action as may be necessary to ensure, and audit, the quality of the service provided by each licensed service provider;

(i) carry out any other activity which may be deemed necessary under the provisions of this Act and any regulations made thereunder.

Power to request information.

**24.** The Authority may at any time require a licensed service provider or any other person directly or indirectly involved in the provision of the service to supply it with any information relating to the service which is considered necessary or expedient to require for the purposes of fulfilling their functions under this Act and any regulations made thereunder.

Inspection and audit of the service.

**25.** (1) Following the issue of a licence, the Authority shall have the right at any time to inspect and audit the service and the premises from which it is offered. If the inspecting officers deem that the service is not compliant with the provisions of this Act, or with the terms of the licence, the inspecting officers shall draw up a report recommending any changes required to be undertaken by the licensed service provider. A copy of the report shall be served by the Chairperson to the licensed service provider and the Chairperson will bring the matter up before the Authority for its decision.

(2) The licensed service provider shall effect the changes indicated in the report within the time-frame established by the Authority. In the event that the service provider does not comply with the required changes within the specified time-frames, the Authority shall take any action it deems fit.

Inspection of premises.

**26.** (1) The Authority shall have the right to inspect any premises where the care and nursing services for older persons are provided without the necessary licence under this Act. Following such inspection the Authority shall:

(a) draw up a report of its findings;

(b) where possible, work with the non-registered service provider to enable the organisation to comply with the provisions of this Act;

(c) allow the service provider a reasonable time frame within which to regularize its position;

(d) re-inspect the services offered by the service provider at the end of the period given in order to assess:

(i) whether the service provider meets the necessary criteria for temporary licensing in which event it shall issue such a temporary license; or

(ii) whether the service provider requires more time to meet the necessary criteria for the issue of a temporary license in which case the Chairperson may direct the service provider to cease all activity forthwith until such criteria are met:

Provided that in exceptional cases, and where the Chairperson finds that no serious prejudice will affect the service user, the Authority may allow the service provider to continue offering the service until the service provider meets the required standards within a time-frame established by the Authority.

(2) Notwithstanding the provisions of sub-article (1), a non-registered service provider shall still be liable to fines and penalties that may be imposed for non-compliance with the provisions of this Act.

## Part VI

### Appeals

27. (1) An appeal shall lie to the Tribunal on any decision of the Authority in accordance with the provisions of this Act and any regulations made thereunder, and the right to appeal shall be competent to any person aggrieved by such decision. Appeals.

(2) For the purposes of this Act, the Tribunal shall be competent to hear and determine:

(a) appeals made by any person aggrieved by any decision of the Authority not to grant or renew, or to suspend or to revoke an authorisation, or a licence or a permit, or to impose conditions, limitations or exclusions therein or therefor;

(b) appeals made by any person aggrieved by an administrative or any other decision or penalty imposed on that person by the Authority; and

(c) appeals made by any person aggrieved by any decision of the Authority regarding classification.

(3) The appeal may also contain a request for the Tribunal to suspend the execution of the decision of the Authority until a final decision by the Tribunal is taken. In such case the Tribunal shall not suspend the decision of the Authority if it believes that suspension of the decision of the Authority is likely to place a service user at risk.

(4) The Tribunal shall give reasons for its decision and shall cause such decisions to be made public.

(5) In determining an appeal the Tribunal shall take into account the merits of the appeal, and may in whole or in part, confirm annul or vary the decision appealed from, giving in writing the reasons for its decisions and shall cause such decision to be made public.

(6) An appeal from a decision of the Authority shall be made by application and shall be filed with the registry of the Tribunal within thirty days from the date on which the decision has been served in writing to the party appealing:

Provided that the application of appeal shall be served on the Authority, which shall not later than thirty days from such service file its reply with the registry of the Tribunal.

(7) In the exercise of its functions, the Tribunal may summon any person to appear before it and give evidence and produce documents; and the Chairperson shall have the power to administer the oath. The Tribunal may also appoint experts to advise the Tribunal on any technical issue that may be relevant to its decision.

(8) The Tribunal shall have the same powers as are competent to the First Hall, Civil Court according to law.

(9) Any party to an appeal to the Tribunal who feels aggrieved by a decision of the Tribunal, or the Authority if it feels dissatisfied with any such decision may on a question of law appeal to the Court of Appeal in terms of the Administrative Justice Act.

Cap. 490.

(10) The appeal shall be made by means of an application filed in the registry of that court within twenty days from the date of the decision of the Tribunal.

## Part VII

### Officers and Employees of the Authority

Staff  
appointments.

**28.** Without prejudice to the other provisions of this Act, the appointment of officers and other employees of the Authority shall be

made by the Authority. The terms and conditions of employment shall be established by the Authority with the concurrence of the Minister.

**29.** The Authority shall appoint and employ, at such remuneration and upon such time terms and conditions such officers and employees of the Authority as may from time to time be necessary for the due and efficient discharge of the functions of the Authority.

Appointment and functions of officers and employees of the Authority.

**30.** (1) The Prime Minister may, at the request of the Authority, from time to time direct that any public officer shall be detailed for duty with the Authority in such capacity and with effect from such date as may be specified in the Prime Minister's direction.

Detailing of public officers for duty with the Authority.

(2) The period during which a direction as aforesaid shall apply to any officer specified therein, shall, unless the officer retires from the public service, or otherwise ceases to hold office at an earlier date, or unless a different date is specified in such direction, cease to have effect after one year from the effective date of such direction unless the direction is revoked earlier by the Prime Minister.

**31.** (1) Where any officer is detailed for duty with the Authority under any of the provisions of this Act, such officer shall, during the time in which such direction has effect in relation to him, be under the administrative authority and control of the Authority but shall for other intents and purposes remain and be considered and treated as a public officer.

Status of public officers detailed for duty with the Authority.

(2) Without prejudice to the generality of the foregoing, an officer detailed for duty as aforesaid -

(a) shall not during the time while such officer is so detailed -

(i) be precluded from applying for a transfer to a department of the Government in accordance with the terms and conditions of service attached to the appointment under the Government held by that public officer at a date on which he was detailed for duty; or

(ii) be so employed that the remuneration and conditions of service are less favourable than those which are attached to the appointment under the Government held by that officer at the date he was detailed for duty as aforesaid or which would have become attached to such appointment, during the said period, had such officer not been detailed for duty with the Authority; and

C 1160

Cap. 93.  
Cap. 58.

(b) shall be entitled to have the service with the Authority considered as service with the Government for the purpose of any pension, gratuity or benefit under the Pensions Ordinance and the Widows' and Orphans' Pension Act, and of any other right or privilege to which that officer would be entitled, and shall be liable to any liability to which he would be liable, but for the fact that he is detailed for duty with the Authority.

(3) Where an application is made as provided in sub-article (2)(a)(i), the same consideration shall be given thereto as if the applicant had not been detailed for duty with the Authority.

(4) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer detailed for duty with the Authority as aforesaid during the period in which such officer is so detailed.

Offer of permanent employment with the Authority to public officers detailed for duty with the Authority.

**32.** (1) The Authority may, with the approval of the Prime Minister, offer to any officer detailed for duty with the Authority under any of the provisions of article 30 permanent employment with the Authority at a remuneration and on terms and conditions not less favourable than those enjoyed by such officer at the date of such offer.

(2) The terms and conditions comprised in any offer made as aforesaid shall not be deemed to be less favourable merely because they are not in all respects identical with or superior to those enjoyed by the officer concerned at the date of such offer, if such terms and conditions, taken as a whole, in the opinion of the Prime Minister offer substantially equivalent or greater benefits.

Cap. 93.  
Cap. 58.

(3) Every officer who accepts permanent employment with the Authority offered that officer, under the provisions of sub-article (1), shall for all purposes other than those of the Pensions Ordinance and of the Widows' and Orphans' Pensions Act, be deemed to have ceased to be in service with the Government and to have entered into service with the Authority on the date of such acceptance, and for the purposes of the said Ordinance and of the said Act, so far as applicable to that officer, service with the Authority shall be deemed to be service with the Government within the meanings thereof respectively.

Cap. 58.

(4) Every such officer as aforesaid who, immediately before accepting permanent employment with the Authority was entitled to benefit under the Widows' and Orphans' Pensions Act, shall continue to be so entitled to benefit thereunder to all intents as if service with



the Authority, were service with the Government.

(5) The Authority shall pay to the Government such contributions as may from time to time be determined by the Minister responsible for finance in respect of the cost of pensions and gratuities earned by an officer who has accepted permanent employment with the Authority as aforesaid during the period commencing on the date of such officer's acceptance.

(6) For the purposes of the Pensions Ordinance the pensionable emoluments of such public officer on retirement shall be deemed to be the pensionable emoluments payable to an officer in Government service in a grade and at an incremental level corresponding to the post and incremental level at which the officer retires from the Authority. Cap. 93.

(7) (a) For the purposes of this article the posts and salary grades with the Authority shall be classified in the most nearly corresponding grades and incremental levels in the service under the Government of Malta by reference to job description, skills, responsibilities and other analogous factors.

(b) The classification referred to in paragraph (a) shall be carried out by a board composed of a chairperson appointed by the Minister responsible for finance and two other members, one appointed by the Ministry responsible centrally for personnel policies in the public service and one appointed by the Authority. The classification shall be subject to the final approval of the Minister responsible for finance.

(c) Such classification shall take place within three months of any adjustment of salaries of employees in the Government service, and, or, of employees of the Authority.

(d) No post shall be classified in a grade higher than that of grade 3 in the service of the Government or such other grade that the Minister responsible for finance may from time to time by notice in the Gazette determine.

(e) Without prejudice to the provisions of article 113 of the Constitution, no person may, following a classification as aforesaid, be entitled to rights under the said Pensions Ordinance less favourable than those to which that person would have been entitled prior to such classification. Cap. 93.

Part VIII

Financial Provisions

Authority to meet expenditure out of revenue.

**33.** (1) Without prejudice to the following provisions of this article, the Authority shall so conduct its affairs that the expenditure required for the proper performance of its functions shall, as far as practicable, be met out of its revenue.

(2) For such purpose the Authority shall levy all fees, rates and other payments prescribed or deemed to be prescribed by or under this Act or any other law related to the powers and functions of the Authority.

(3) The Authority shall also be paid by Government out of the Consolidated Fund such sums as Parliament may from time to time authorise to be appropriated to meet the costs of specified works to be continued or otherwise carried out by the Authority, being works of infrastructure or a similar capital nature.

(4) Any excess of revenue over expenditure shall, subject to such directives as the Minister, after consultation with the Minister responsible for finance, may from time to time give, be applied by the Authority to the formation of reserve funds to be used for the purposes of the Authority; and without prejudice to the generality of the powers given to the Minister by this sub-article, any direction given by the Minister as aforesaid may order the transfer to the Government, or the application in such manner as may be specified in the direction, of any part of the fees, rates and other payments levied in accordance with sub-article (2) or any such excess as aforesaid.

(5) Any funds of the Authority not immediately required to meet expenditure may be invested in such manner as may from time to time be approved by the Minister.

Power to borrow capital.

**34.** (1) For the purposes of carrying out any of its functions under this Act, the Authority may, with the approval in writing of the Minister responsible for finance, borrow or raise money in such manner, from such person, body or authority, under such terms and conditions as the Minister, after consultation as aforesaid, may in writing approve.

(2) The Authority may also from time to time borrow, by way of overdraft or otherwise, such sums as it may require for carrying out its functions under this Act:

Provided that for any amount in excess of one hundred and sixteen thousand and four hundred and sixty-eight euro and sixty

seven cents (€116,468.67), there shall be required the approval of the Minister in writing.

**35.** The Minister responsible for finance may, after consultation with the Minister, make advances to the Authority of such sums as the Minister responsible for finance may agree to be required by the Authority for carrying out any of its functions under this Act, and may make such advances on such terms and conditions as the Minister responsible for finance may, after consultation as aforesaid, deem appropriate. Any such advance may be made by the Minister responsible for finance out of the Consolidated Fund, and without further appropriation other than this Act, by warrant, authorising the Accountant General to make such advance.

Advances from  
Government.

**36.** (1) The Minister responsible for finance may, for any requirements of the Authority of a capital nature, contract or raise money, or incur liabilities, for such periods and on such terms and conditions as the Minister responsible for finance may deem appropriate; and any sums due in respect of or in connection with any such loan or liability shall be a charge on the Consolidated Fund.

Borrowing from  
Government.

(2) Notice of any loans, liabilities or advances made or incurred under the provisions of sub-article (1) shall be given by the Minister to the House of Representatives as soon as practicable and, in any case, not later than eight weeks after such loan, liability or advance is made, or if at any time during that period the House is not in session, within eight weeks from the beginning of the next following session.

(3) Pending the raising of any such loan as is mentioned in sub-article (1), or for the purpose of providing the Authority with working capital, the Minister responsible for finance may, by warrant, and without further appropriation other than this Act, authorise the Accountant General to make advances to the Authority out of the Treasury Clearance Fund under such terms as may be specified by the Minister upon the making thereof.

(4) The proceeds of any loan raised for the purposes of making advances to the Authority, and any other moneys to be advanced to the Authority under this article, shall be paid into a fund specially established for the purpose and which shall be known as the "Homes for Older Persons (Care Quality Standards) Authority Loan Fund".

(5) Sums received by the Accountant General from the Authority in respect of advances made to the Authority under sub-article (3) shall be paid, as respects of amounts received by way of repayment into the Treasury Clearance Fund and, as respects of

C 1164

amount received by way of interest into the Consolidated Fund.

Estimates of the Authority.

**37.** (1) The Authority shall cause to be prepared in every financial year, and shall not later than eight weeks before the end of each financial year adopt, estimates of the income and expenditure of the Authority for the next following financial year:

Provided that the estimates of the Authority for the first financial year of the Authority shall be prepared and adopted within such time as the Minister may by notice in writing to the Authority specify.

(2) In the preparation of such estimates the Authority shall take account of any funds and other monies that may be due to be paid to it out of the Consolidated Fund during the relevant financial year, whether by virtue of this Act or an appropriation Act or of any other law; and the Authority shall so prepare the said estimates as to ensure that the total revenues of the Authority are at least sufficient to meet all sums properly chargeable to its revenue account including, but without prejudice to the generality of that expression, depreciation.

(3) The estimates shall be made in such forms and shall contain such information and such comparisons with previous estimates as the Minister may direct.

(4) A copy of the estimates shall, upon their adoption by the Authority, be sent forthwith by the Authority to the Minister and to the Minister responsible for finance.

(5) The Minister shall, at the earliest opportunity and not later than six weeks after the Minister has received a copy of the estimates of the Authority, or, if at any time the House is not in session, within six weeks from the beginning of the next following session, cause such estimates to be laid before the House together with a motion that the House approves the said estimates. Not more than one sitting shall be allotted for the debate in the House on such motion and both the motion and the approval of the estimates by the House may be with or without amendment to the estimates.

Expenditure according to the approved estimates.

**38.** (1) No expenditure shall be made or incurred by the Authority unless it has been approved by the House as provided in article 37.

(2) Notwithstanding the provisions of sub-article (1) -

(a) until the expiration of six months from the beginning of a financial year, or until the approval of the

estimates for that year by the House, whichever is the earlier date, the Authority may make or incur expenditure for carrying out its functions under this Act not exceeding in the aggregate one half of the amount approved for the preceding financial year;

(b) expenditure approved in respect of a head or sub-head of the estimates may, with the approval of the Minister, be incurred in respect of another head or sub-head of the estimates;

(c) in respect of the first financial year, the Authority may make or incur expenditure until the approval of the estimates for that year by the House not exceeding in the aggregate such amounts as the Minister responsible for finance may, after consultation with the Minister, allow;

(d) if in respect of any financial year it is found that the amount approved by the House is not sufficient, or if a need has arisen for expenditure for a purpose not provided for in the estimates, the Authority may adopt supplementary estimates for approval by the House and, pending such approval, the Authority may in special circumstances and with the approval of the Minister, incur the relative expenditure or part thereof as the said Minister may so approve, and in any such case the provisions of this Act applicable to the estimates shall, as near as practicable, apply to the supplementary estimates.

**39.** All estimates and supplementary estimates approved by the House shall, as soon as practicable, be published in the Gazette. Publication of approved estimates.

**40.** (1) The Authority shall cause to be kept proper books of account and other records in respect of the Authority's operations and shall cause to be prepared a statement of accounts in respect of each financial year. Accounts and audit.

(2) The accounts of the Authority shall be audited by an auditor or auditors to be appointed by it and approved by the Minister:

Provided that the Minister responsible for finance may require the books and other records of the Authority to be audited or examined by the Auditor General who shall for this purpose have power to carry out such physical checking and other verification, and may require such information, as the Auditor General may deem necessary.

(3) After the end of each financial year, at the same time as a copy of the estimates of the Authority is forwarded to the Minister

C 1166

under article 31, the Authority shall cause a copy of the statement of accounts duly audited to be transmitted to the Minister and to the Minister responsible for finance together with a copy of any report made by the auditor or auditors on that statement or on the accounts of the Authority.

(4) The Minister shall cause a copy of every such statement and report to be laid before the House together with the motion laid before the House under article 37(5).

Deposit of  
revenues and  
payment by the  
Authority.

**41.** (1) All moneys of the Authority shall be paid into a bank or banks appointed as bankers by the Authority by a resolution of the Authority. Such moneys shall, as far as practicable, be paid into the banks from day to day, except for such sum as the Authority may require to retain to meet petty disbursements and immediate payments.

(2) All payments out of the funds of the Authority, except petty disbursements not exceeding such sum as may be fixed by the Authority, shall be made by such officer or officers of the Authority as shall be appointed or designated for the purpose.

(3) Cheques against and withdrawals from any bank account of the Authority shall be signed by such officer of the Authority as may be appointed or designated by the Authority for that purpose and shall be countersigned by the Chairperson, or such other member or officer of the Authority as may be authorised by the Authority for that purpose.

(4) The Authority shall also make provision with respect to -

(a) the manner in which and the officer or officers by whom payments are to be authorised or approved;

(b) the title of any account held with the bank or banks into which the monies of the Authority are to be paid, and the transfer of funds from one account into another;

(c) the method to be adopted in making payments out of the funds of the Authority; and

(d) generally with respect to any matter which is relevant to the proper keeping and control of the accounts, books and other records and the control of the finances of the Authority.

Contracts of  
supply and of  
works.

**42.** The Authority shall not enter into any contract for the supply of goods or materials or for the execution of work or for the

rendering of services, to or for the benefit of the Authority, which is estimated by the Authority to involve an expenditure exceeding six thousand and nine hundred and eighty-eight euro and twelve cents (6,988.12), except after notice of the intention of the Authority to enter into such contract has been published and competitive tenders have been issued.

**43.** The Authority shall, not later than six weeks after the end of each financial year, make and transmit to the Minister and to the Minister responsible for finance a report dealing generally with the activities of the Authority during that financial year and containing such information relating to the proceedings and policy of Authority as either of the said Ministers may from time to time require. The Minister shall cause a copy of every such report to be laid on the Table of the House together with the estimates as provided for in article 37. Annual report.

## Part IX

### Offences and Penalties

**44.** (1) Any person who acts in contravention of the provisions of any regulations made under this Act, and any person who conspires or attempts, or aids, abets, counsels or procures any other person, to contravene the provisions aforementioned, shall be guilty of an offence against this Act. Offences.

(2) Any person who, in connection with any matter under this Act, or under any regulations made by virtue of this Act -

(a) furnishes any information which that person knows to be false in a material particular, or recklessly furnishes any information which is false in a material particular; or

(b) with intent to deceive, produces, furnishes, sends or otherwise makes use of any document which is false in a material particular; or

(c) wilfully refuses or without lawful excuse, the proof whereof shall lie on that person, withholds any material information; or

(d) knowingly or recklessly makes any incorrect statement or entry in any record or return or on any document kept or furnished under this Act or under any regulations made thereunder; or

(e) unlawfully refuses or fails to answer to the best of

that person's knowledge any question made to him/her by an officer in the exercise of that officer's functions; or fails to cooperate fully with an officer in the pursuance of that officer's duties; or

(f) unlawfully refuses or fails to comply with any requirement duly provided under this Act or under any regulations made by virtue of this Act; or

(g) hinders an officer in the performance of that officer's duty under this Act or under any regulations made by virtue of this Act,

shall be guilty of an offence against this Act or regulations made by virtue of this Act.

(3) Any person who commits an offence against this Act or regulations made by virtue of this Act, shall, on conviction, be liable to imprisonment for a period of not more than two years or to a fine (*multa*) of not less than five thousand euro (€5000) but not exceeding twenty-five thousand euro (€25,000), or to both such fine and imprisonment; and moreover the court may, at the request of the prosecution, cancel all or any licences, warrants or permits issued to or in the name of the person found guilty in connection with the work place where the offence was committed:

Provided that no proceedings shall be taken against any person who, after receiving an intimation by the Authority for the payment of a penalty for having contravened the provisions of this Act - if the contravened provisions are of an administrative nature - or of any regulations made by virtue of this Act according to Schedule 3, and pays such penalty to the Authority in either case within fifteen days from the date of receipt of such intimation.

Cap. 9.

(4) Notwithstanding the provisions of article 370 of the Criminal Code, proceedings for an offence against this Act shall be taken before the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), as the case may be, sitting as courts of criminal judicature.

(5) In any proceedings referred to in the foregoing subarticle it shall be lawful for the Chief Executive Officer, or any officer delegated by the said Chief Executive Officer, to examine or cross-examine witnesses, produce evidence, make submissions in support of the charge and generally conduct the prosecution on behalf of the police, and the sworn statement of the officer that such officer has been duly delegated for that purpose shall be conclusive evidence of



that fact.

(6) Notwithstanding the provisions of the foregoing sub-article the Chief Executive Officer or the officer deputed in accordance with sub-article (5) may be produced as witnesses but should their evidence be required as part of the case for the prosecution they shall be heard before they commence to act as provided in sub-article (5) unless the necessity of their evidence arises subsequently.

(7) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal from any judgement given by the Courts of Magistrates (Malta) or by the Court of Magistrates (Gozo) in respect of proceedings for any offence against this Act or any regulations made by virtue of this Act. Cap. 9.

(8) The punishments provided in this Act shall apply unless the fact constitutes a more serious offence under the Criminal Code or any other law, in which case the provision of the Criminal Code or of such other law shall apply. Cap. 9.

(9) Notwithstanding the provisions of the Criminal Code proceedings for an offence under this Act may be commenced at any time within six years from the commission of the offence. Cap. 9.

**45.** In the event of non-compliance the Authority shall impose an administrative penalty of not less than five thousand euro (€5,000) but not exceeding ten thousand euro (€10,000) or in the case of continuance of non-compliance a daily penalty of not less than five hundred euro (€500) but not more than three thousand and five hundred euro (€3,500) for each day that the non-compliance continues. Administrative penalties.

**46.** In each set of regulatory standards, the Authority shall be include guidelines on the administrative penalties to which non-compliant services providers may be liable, as provided in article 43; such guidelines shall, whenever possible, take into consideration the different circumstances of each case. Regulatory standards.

**47.** Any penalty established for any offence in this Part shall be without prejudice to any other penalty for any other offence under any other applicable legislation or under any other applicable regulation made under this Act. Savings.

**48.** The Authority shall have the power to establish criteria for the provision of penalties that are to be imposed by it according to the circumstances of the prescribed cases including suspension and, or revocation of licence. Establishment of criteria for penalties.

Part X

Miscellaneous

Power of the  
Minister to issue  
orders.

**49.** (1) The Minister may by order make such incidental, consequential or supplemental provisions as may be necessary or expedient for the purpose of securing and giving full effect to the transfer of any undertaking or any right, power, liability or obligation to the Authority by or under this Act and may make such orders as may be necessary to make any powers and duties exercised by the Government, in relation to anything transferred to the Authority by virtue of this Act, exercisable by and on behalf of the Authority.

Power of the  
Minister to  
make  
regulations.

**50.** (1) The Minister, acting on the advice of the Authority, may make regulations to give better effect to the provisions of this Act, and without prejudice to the generality of the foregoing may, by such regulations, prescribe anything that is to be or which may be prescribed to provide for any matter consequential, incidental to or connected with any of the above matters.

(2) The Minister, acting on the advice of the Authority, may, from time to time, make regulations to amend, substitute, add or otherwise alter anything contained in the Schedules to this Act.

Transitory  
provisions.  
Cap. 31.

**51.** (1) All licencing powers of homes for older persons in terms of article 98 of the Medical and Kindred Professions Act shall upon the coming into force of this Act be vested in the Authority established under this Act:

Cap. 31.

Provided that any decision or licence granted under article 98 of the Medical and Kindred Professions Act, before the coming into force of this Act, shall continue to have effect as if the decision or licence had been given or granted under the relative provisions of this Act subject to the satisfaction of all conditions stipulated in this Act.

(2) The standards established in Schedule 1 are to be fully implemented by all private and public care and nursing homes over a period of ten years. Upon the establishment of the Authority, an inspection will be carried out in all private and public care and nursing homes and a time period for the full and total implementation of the standards shall be established by the Authority which period shall not exceed the maximum period of ten years.

(3) The Authority shall carry out interim inspections to evaluate the status of progress of the implementation exercise and should the service provider fail to adhere to the implementation programme as established, an administrative penalty for non

compliance shall be imposed and licence suspended or revoked as the case may be.

**52.** In sub-article (1) of article 98 of the Medical and Kindred Professions Act, the words "nursing home, home for the aged," shall be deleted.

Consequential amendment of article 98 of the Medical and Kindred Professions Act. Cap. 31.

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## Schedule 1

### Minimum Standards

#### CHAPTER 1 - The Home's Obligations

##### Introduction

Each home shall provide a written comprehensive Guide for Residents, also available on-line, which sets out:

- a statement of purpose - the licensee's aims and objectives;
- the range of facilities, services and equipment available to residents;
- a comprehensive relocation policy that takes into account both the Home's and the residents' interest
- the terms and conditions on which all services are provided in the contract with each resident.

All prospective residents and, or legally-appointed representatives shall thereby be able to make informed choices about whether or not the home is able to meet the individual's particular needs. The licensee's "Statement of Purpose" and the contractual arrangements entered into with each resident shall enable inspectors to assess how far the home is fulfilling its obligations to meet residents' requirements and expectations that is informed by a regularly updated individual plan of care.

##### Standard 1 - Information

##### OUTCOME

Prospective residents and their next of kin and/or their representative shall, at all times, have all the information about the facilities and specific services provided by the care home to enable an

C 1172

informed decision on whether the home is able to provide the appropriate care for the individual.

1.1 The licensee shall make available to all residents an up-to-date Statement of Purpose that spells out the aims, objectives, services, facilities, philosophy of care and conditions of the home and provides a comprehensive detailed Guide to the Home for existing and prospective residents. The Statement of Purpose also details the physical environment standards met by the home in relation to structural standards detailed in Section 5, and a summary of this information is included in the Guide for Residents (all of which should be available on-line).

1.2 The Guide for Residents shall be written in Maltese and English in a format suitable for intended residents (such as simplified text, symbols, picture text, larger fonts and good contrast) and shall include:

- a full description of all services provided (including health, nutrition, social, cultural, spiritual, educational) detailing charges where applicable;
- an accurate description of individual rooms and communal space provided;
- relevant qualifications and experience of the licensee, all managers and direct care staff;
- the maximum number of residential places provided and any special needs or interests catered for;
- a copy of the most recent inspection report;
- a copy of the complaints procedure;
- an up-to-date summary on the residents' views on their home.

1.3 Residents and their relatives shall be provided with information in writing and on-line in Maltese and English about how to contact the Regulator.

## Standard 2 - Contract

## OUTCOME

Each resident has a written contract with the home. The addendum shall be modified following changes in the resident's activities of daily living following consultation between the home manager and a physician chosen by the resident.

2.1 Each resident shall be provided with a contract detailing the terms and conditions at the time of moving into the home.

2.2 The contract shall include:

- details of the room to be occupied, including washing facilities available and clearly specifying the maximum number of occupants per room;
- a comprehensive list of the services provided (including health, food and nutrition, recreational, etc. detailing additional fees where applicable);
- all fees payable and by whom (resident, relative or other);
- rights and obligations of the resident and the proprietor/manager detailing liability when there is breach of contract;
- the resident's room specifications and the terms and conditions of occupancy (including period of notice if and when applicable, and possibility of transfer of bed/room);
- a comprehensive relocation policy;
- meal and snack times shall be specified;
- for those residents requiring assistance when bathing or washing - the days and time frames within which this takes place should be specified;
- full details of the licensee's responsibilities towards all the residents in the event that the home has to close, and the contract shall include a clause that refers to the minimum period of notice to be given to residents when this is applicable.

2.3 The addendum to the contract shall specify the level of care required based on the physician's initial assessment and

C 1174

evaluated according to the Barthel 20 Index. The physician's initial assessment shall be recorded in the resident's file. The addendum shall be modified following changes in the resident's activities of daily living following consultation between the home manager and a physician chosen by the resident.

### Standard 3 - Needs Assessment

#### OUTCOME

No individual moves into the home without having had his/her needs assessed and been assured in writing that these will be met.

3.1 New residents shall be admitted only following a full assessment undertaken by personnel certified in the field of geriatric care (refer to Chapter 6 - Staffing). This assessment forms the basis of a comprehensive plan of care. The prospective resident, his/her representative (if any) and relevant professionals shall be fully involved in both the assessment process and the formulation of the plan of care.

3.2 Each resident shall have a plan of care for daily living and longer-term outcomes based on the needs assessment processes. This plan shall be modified according to the changing needs of each resident as shown in the quarterly re-assessment report or following an acute phase.

3.3 A nurse shall reassess each resident's needs quarterly or following an acute phase (using the Barthel 20 Index or any other equivalent or superior tool for Activities of Daily Living and any any other required additional tools (e.g.: the Mini-Mental score, the Braden or Waterlow Scores, etc) and where necessary inform the resident's doctor accordingly.

The manager shall acknowledge any changes in each resident's needs and shall ensure in writing that these will be met. Manager shall also ensure that these changes are communicated to staff and proper handover given when necessary.

3.4 The Care Plan shall include details about:

- (a) the basic care and assistance with Activities of Daily Living;
- (b) more specialised nursing and medical care where this is required.

3.5 Each resident shall have a member of staff allocated who is responsible for ensuring that the requirements detailed in the resident's care plan are fully implemented. This person shall liaise with the resident and relatives to explain to them fully the care plan.

3.6 There shall be a medical review on admission and a re-assessment following any acute event or as directed by the resident or his/her carers.

#### Standard 4 - Continually Meeting Needs

##### OUTCOME

Residents and their representatives know that the home they enter will meet their needs and will continue to do so as these change.

4.1 The licensee shall be able to demonstrate the home's capacity to meet the assessed needs (including specialist needs) of individuals admitted to the home.

4.2 All specialised services offered (e.g. services for people with dementia or other cognitive impairments, sensory impairment, physical disabilities, intermediate or respite care) shall be demonstrably based on current good practice, and reflect relevant specialist and clinical guidance.

4.3 The needs and preference of specific minority ethnic, cultural or religious groups shall be understood and met.

4.4 Staff individually and collectively shall have the skills and experience to deliver the services and care which the home offers to provide.

4.5 The licensee shall be responsible for the provision, of basic equipment required by residents according to their assessed needs. This equipment shall include conventional wheelchairs, hoists, height adjustable beds, dysphagia cups, pressure relief mattresses and pressure relief cushions for all residents requiring them.

4.6 The licensee shall ensure that any work that is out-sourced is covered by a contract that clearly spells out the quality of the service the subcontractor is expected to provide. The licensee shall be responsible for ensuring such Standards are always maintained even when the services are provided by an external agency.

Standard 5 - Trial Visits

OUTCOME

Prospective residents and their relatives and friends have an opportunity to visit and assess the quality, facilities and suitability of homes.

5.1 The licensee shall ensure that prospective residents are invited to visit the home and to move in on a trial basis before they and, or their representative make a decision to stay. Unplanned admissions are avoided where possible, and shall only take place in emergency situations.

5.2 When an emergency admission is made in any home (public and private), the licensee shall undertake to inform the resident and/or representative within 72 hours about the key features of the home, the services available, the rules and routine procedures, and to meet all other admission criteria set out in Standards 2-4 within 15 working days.

CHAPTER 2 - Health and Personal Care

Introduction to Standards 6 to 10

Residents' health and personal care shall be based on their specific individual needs and wishes within reason. Therefore, the assessment process and the individual's plan of care are seen as crucial in maintaining standards. The results of the initial and quarterly assessments are the basis of the plan of care, which then becomes the yardstick for the audit of the delivery of care. The Plan of Care is a dynamic document, which must be reviewed and may be changed every three months (or earlier in the event of significant changes in the resident's condition) according to the assessed needs of the resident.

The licensee/registered manager assumes ultimate responsibility for meeting these standards, including the conduct of a comprehensive assessment and updated plan of care for each resident. New residents are only accepted if the licensee contractually undertakes to fully meet the needs of the prospective resident as determined by that assessment. In the exceptional case of emergency admissions, this will be done within subsequent five working days. Emergency admissions shall be given a temporary emergency admission contract, which would be applicable in the interim period



until the regular admission contract is signed.

#### Standard 6 - Resident's Individual Plan of Care

##### OUTCOME:

The resident's identified health, personal and social needs and how they will be met shall be clearly documented in an Individual Plan of Care that is updated regularly.

6.1 A resident's plan of care generated from a comprehensive assessment (see Standard 3) shall be drawn up with the involvement of the resident and close relatives and, or representative. It shall be recorded in a style accessible to the resident, and agreed and signed by the resident and/or representative if applicable. This plan shall provide the basis for the care to be delivered.

6.2 The individual plan of care shall set out in detail the action that needs to be taken by care staff to ensure that all aspects of the health, personal, spiritual and social care needs of the resident (see Standard 3) are met.

6.3 The individual plan of care shall be based on the outcome of the initial and ongoing assessments, including results from the Barthel 20 index.

6.4 To reflect changing needs, the individual plan of care shall be reviewed and updated by nurse in charge or his/her delegate at least once every three months, or after any significant change in the resident's general medical, psychological, behavioural, or social condition. The advice of other health professionals shall be sought as the case dictates. An annual routine multidisciplinary review is advocated.

6.5 The resident, his/her relatives or representative (where applicable) shall be given information of the plan of care and any subsequent significant modifications.

6.6 The resident and/or his representative shall have the right to refuse any treatment detailed in the plan of care. Any such refusals shall be signed for by the resident or his/her representative and documented..

Standard 7 - Health Care

OUTCOME:

Residents maintain their autonomy with respect to decisions about their health care, and appropriate policy and procedures shall be in place to enable access to physical and mental health care services as needed.

7.1 The licensee shall promote and maintain the ongoing healthy wellbeing and safety of all the residents and ensure access to appropriate health care services in a timely manner when needed.

7.2 Care staff shall ensure that residents' personal and oral hygiene are properly maintained. Residents shall be encouraged to execute the basic activities of daily living and independent activities of daily living providing their health enables them to do so.

7.3 A suitably trained professional shall assess those residents who have developed pressure sores on a weekly basis, and appropriate measures shall be implemented accordingly. All observations and management plans shall be documented. However those residents at risk of developing pressure sores shall be monitored daily. The identification of pressure sores shall constitute an acute event and appropriate action promptly taken, recorded in the individual plan of care and reported to the Regulator. The resident's progress shall be monitored weekly using the Braden Scale or any other equivalent or superior tool.

7.4 Pressure sores, their treatment and outcome, shall be recorded in the resident's individual plan of care and reviewed at least weekly.

7.5 Equipment necessary for the promotion of tissue viability and prevention or treatment of pressure sores shall be available and provided to residents at risk of or suffering from pressure sores.

7.6 The licensee shall ensure that professional advice about the promotion of continence is sought and acted upon, and aids and equipment needed are provided.

7.7 The resident's mental health shall be monitored regularly during quarterly assessments or earlier if necessary, and both preventative and therapeutic action taken in a timely manner.

7.8 The Care Home shall have an administrative policy and procedure regarding the use of sedatives and antipsychotic medication for the management of behavioural and psychological

manifestation of mental health problems, and such policies and procedures shall be available to residents and their legally appointed substitute decision maker.

7.9 All care provided in care homes should be delivered by qualified health care professionals in accordance with national and internationally recognized best practice standards or guidelines for Optimizing Treatment and Care for People.

7.10 Direct Care Staff shall be appropriately trained in the recognition of behaviour of concern as well as management of such behaviour without resorting to use of restraints or while applying least restraint.

7.11 The use of all medication shall be reviewed at least every three months as part of the quarterly review, and their continued use be medically justified and documented in the individual plan of care.

7.12 Daily opportunities shall be provided for exercise and physical activity appropriate to the needs and abilities of each resident. Access to assessment and the provision of appropriate devices and aids as specified by a qualified therapist shall also be provided for residents identified as at risk of falling.

7.13 Nutritional screening shall be undertaken on admission and subsequently on a quarterly basis. An ongoing record shall be maintained of the nutritional intake of each resident at risk, including weight gain or loss, and appropriate action taken.

7.14 The residents shall be provided access to a family doctor and the contact details of the identified doctor shall be clearly documented in the individual plan of care.

7.15 The resident shall be provided access to specialist medical, nursing, dental, nutritional, pharmaceutical, podiatry, and all other therapeutic services, and to hospitals and community health services according to his/her need.

7.16 Residents shall be provided with access to services for hearing and sight tests, and to services providing appropriate aids, according to their needs.

7.17 Care homes shall have a clear least restraints policy that includes the use of physical and chemical restraint. Direct care staff shall be trained in this policy and the licensee shall keep a log of all documented use of restraint, which shall be made available to the Regulator.

Standard 8 - Medication

OUTCOME:

The prescription, storage, preparation, administration, disposal, and all documentation of medication shall follow written policy and procedures, and the licensee undertakes that all direct care staff are aware of the policy and trained in the procedures.

8.1 The licensee shall ensure that a policy and procedure is in place on all aspects of pharmaceutical care in the Home, including prescription, storage, preparation, administration, disposal, and documentation of medications. This policy shall be in line with relevant national guidelines and legislation.

8.2 The licensee shall undertake that all direct care staff involved in any aspect of pharmaceutical care be suitably trained in the procedures, and be requested to confirm in writing that they have read the policy and procedures on pharmaceutical care in the Home.

8.3 Records shall be kept of all medicines received, administered and leaving the home or disposed of to ensure that there is no mishandling of medication.

8.4 An updated record shall be maintained of the current medication prescribed to each resident, and the administration of every medication for each patient appropriately documented indicating clearly the time of administration and staff administering the medication.

8.5 All medications, including but not restricted to Controlled Drugs, shall be administered by appropriately trained staff unless the resident chooses to self-administer medication. The Care Home policy and procedures shall provide clear instructions on the identification of residents who can self-administer.

8.6 The administration of Controlled Drugs shall comply with relevant national guidelines and legislation.

8.7 The licensee shall undertake that all care staff involved in pharmaceutical care shall be suitably trained, including but not restricted to, basic knowledge on the administration of medicines and how to recognise and deal with possible complications, the principles and procedures underlying all aspects of the home's policy and procedures on pharmaceutical care, and appropriate documentation.

8.8 The medicines' care policy and procedures shall include procedures relevant to self-administration of medication by residents

who are able and choose to self-administer their own medication. (Refer to Draft Standards on the Use of Medicines available at [https://ehealth.gov.mt/HealthPortal/public\\_health/publichealthregulation/standards\\_to\\_guidelines.aspx](https://ehealth.gov.mt/HealthPortal/public_health/publichealthregulation/standards_to_guidelines.aspx) ).

8.9 The administration and disposal of Controlled Drugs shall be recorded separately and be subject to regular audit by the licensee and regulatory authorities.

8.10 The licensee or his/her delegate shall seek information and advice from a pharmacist or family doctor regarding any queries that may arise about the medication of any resident.

8.11 For residents who have been prescribed sedatives and ant-psychothic medication for the management of behaviours of concern, this treatment shall be reviewed at least every 6 months or as specified in any relative local Standards in place from time to time. Direct care staff shall monitor the condition of the residents on medication and call in the prescribing physician or family doctor if there is any change in their condition that may be a result of their medication.

8.12 When a resident dies, unused medication belonging to the resident shall be used or disposed of as specified by the relevant local legislation.

#### Standard 9 - Privacy and Dignity

##### OUTCOME:

Residents continually affirm they are treated with respect, their right for privacy is upheld, and that their dignity is preserved at all times.

9.1 The arrangements for health and personal care shall ensure that the resident's privacy and dignity are respected at all times, and with particular regard to:

- personal care-giving, including nursing, bathing, using the toilet or commode;
- entering bedrooms, toilets and bathrooms;
- consultation with, and examination by, health and social care professionals;

C 1182

- consultation with legal and financial advisors;
- maintaining social contacts with relatives and friends;
- following death.

9.2 Bathing/bed bathing or showers shall be performed daily and, or according to the resident's needs and according to preferences within reasonable time limits.

9.3 Residents shall have a TV connection, easy access to a telephone for use in private, easy access to the Internet and receive their mail unopened.

9.4 Residents shall be allowed to wear their own clothes at all times.

9.5 All the residents shall be introduced to all staff with whom they have contact and staff shall use the term of address preferred by the resident.

9.6 All staff shall be instructed during induction and regularly reminded on how to treat residents with respect at all times.

9.7 Medical examination and treatment shall be explained clearly and respectfully to the resident prior to administration and provided in the resident's own room or another specifically designated examination room. It shall be ensured that all procedures are fully understood by the resident or his/her legally appointed substitute decision maker.

9.8 Where residents share a room, adequate screening or partitioning shall always be provided to ensure that their privacy is not compromised when personal care is being given or at any other time.

#### Standard 10 - Dying and Death

##### OUTCOME:

Residents are assured that at the time of their death, staff will treat them and their family with care, sensitivity and respect, according to their religious beliefs.

10.1 Care and comfort shall be given to residents who are

dying, and their death shall be handled with dignity and propriety, and their spiritual needs, rites and functions shall be observed.

10.2 Care staff shall make every effort to ensure that the resident receives appropriate attention and pain relief as necessary according to national guidelines and legislation.

10.3 The resident's current wishes or those of their legally-appointed representative concerning terminal care and arrangements after death shall be respected to the extent possible. Wherever possible, resident's prior wishes, whether verbal or written, shall be considered in the event that the resident becomes incapable of expressing his/her wishes at the time of death. Similarly, the resident shall be given the opportunity to involve family and friends in decisions concerning terminal care.

10.4 The privacy and dignity of the resident who is dying shall be maintained at all times, and visiting by relatives and close friends respected and encouraged.

10.5 Residents shall be enabled to spend their final days in their own rooms, surrounded by their personal belongings, unless there are strong medical reasons to prevent this. Whenever requested and if possible, residents shall be allowed to return to their own home to die.

10.6 The licensee shall ensure that staff and residents who wish to offer comfort to a resident who is dying are enabled to do so with the consent of the resident while capable, or that of the legally appointed substitute decision maker.

10.7 Access to palliative care, practical assistance, advice and bereavement counselling shall be provided by trained professionals / specialist agencies.

10.8 The changing needs of residents for personal support and, or technical aids as their condition deteriorates shall be reviewed daily, and met swiftly to ensure the individual retains maximum control.

10.9 Relatives and friends of a resident who is dying shall be allowed to stay with him/her for as long as they wish, unless the resident makes it clear that he/she does not want them to, or unless their presence is disturbing the dying resident or other residents unduly.

10.10 The body of a resident who has died shall be handled with dignity, and time is allowed for family and friends to pay their

respects.

10.11 Policies and procedures for handling dying and death shall be available and observed by all staff. When a resident dies or is dying, relatives shall be informed of the home's procedure after death and appropriate guidance given.

10.12 The transportation of the deceased person shall be handled with the utmost discretion to ensure, as far as possible, this is not witnessed by any of the residents.

### CHAPTER 3 - Daily Life and Social Activities

#### Introduction

Older individuals continue to have social, cultural, spiritual, and recreational needs and interests, and will therefore enter a care homes with a wide variety of expectations and preferences. The way in which social life is organized in the home, along with the range of activities available must be set out in the home's Statement of Purpose and Guide for Residents. Prospective residents, their family and, or their representatives must have a clear idea of what is on offer. The capacity for social activity will vary among residents and many may need special support and assistance in engaging in the activities of daily life. The Standards have to take this wide variation in preferences and capacity into account. The information in the Statement of Purpose and the Guide for Residents will be crucial in assessing whether the home is providing what it claims it sets out to provide.

Residents regard the food they are given as one of the most important factors determining the quality of their lives. Individuals' food preferences, both personal and cultural/religious, are part of their identity and must always be observed. These should be ascertained at the point where an individual is considering moving into the home and the licensee/registered manager must make it clear in writing whether or not those preferences can be observed.

The food provided for residents is also important for maintaining their health and wellbeing. Failure to eat - through physical inability, depression, cognitive dysfunction, or because the food is inadequate or unappetizing - can lead to malnutrition with debilitating consequences for health. Care staff should monitor each resident's food intake in an as discrete and unregimented way as possible, and should also provide assistance when required in a



patient and timely fashion to ensure adequate amounts of food and drinks are consumed.

The availability, quality and presentation of food, along with the way in which staff assist residents at meal times, are crucial in ensuring residents receive a wholesome, appealing and nutritious diet.

The social setting in which meals are served shall also be congenial. The home should avoid a canteen type environment akin to an institutional refectory.

#### Standard 11 - Social Contact and Activities

##### OUTCOME:

The subjective experience of the lifestyle in the home matches the residents' expectations and preferences, and satisfies their social, cultural, religious and recreational interests and needs.

11.1 The routines of daily living and activities made available shall be flexible and varied to suit residents' expectations, preferences and capacities as far as possible.

11.2 Residents shall have the facilities and the opportunity to exercise their choice in relation to:

- leisure and social activities, and cultural interests;
- drinks, food and meals;
- routines of daily living;
- personal and social relationships;
- religious observance.

11.3 Residents' interests shall be recorded and they shall be given regular opportunities for stimulation through leisure and recreational activities in and outside the home that suit their needs, preferences and capacities.

11.4 Up-to-date information about social activities shall be posted and circulated to all residents in formats suited to their capacities.

Standard 12 - Programme of activities and events

OUTCOME:

The home offers a structured programme of varied activities and events consistent with its statement of purpose and applicable to the identified needs of individual residents.

12.1 The programme of activities and events shall provide positive outcomes for residents and shall be guided by the identified needs and interests of residents.

12.2 The programme shall include activities that are enjoyable, purposeful, age and culturally appropriate and takes into account the residents' recreational, cultural, and spiritual needs. It shall promote healthy living, is flexible and responsive to residents' changing needs and facilitates social inclusion in community events.

12.3 The programme shall include activities associated with special occasions throughout the year.

12.4 Residents, including those residents who generally stay in their rooms, shall be given the opportunity to contribute suggestions and to be involved in the development of the programme of activities.

12.5 The programme of activities shall be displayed in a suitable format and in an appropriate location so that residents and their representatives know what is scheduled.

12.6 Residents shall be enabled to participate in the programme through the provision of equipment, aids and support from staff or others.

12.7 The duration of each activity and the daily timetable shall take into account the needs and abilities of the residents participating.

12.8 Where an activity is provided by persons contracted-in to do so by the home, the registered manager shall monitor the activity to confirm that those delivering or facilitating such activities have the necessary skills to do so.

12.9 Where an activity is provided by persons contracted-in to do so by the home, staff shall inform them about any changed needs of residents prior to the activity commencing and there shall be a system in place to receive timely feedback.

12.10 A record shall be kept of all activities that take place, the person leading the activity and the names of the residents who

participate.

12.11 The programme shall be reviewed regularly and at least twice yearly to ensure it meets residents' changing needs.

### Standard 13 - Community Contact

#### OUTCOME:

Residents maintain contact with family/friends/representatives and the local community as and when they wish.

13.1 Residents shall be able to have visitors at any reasonable time and links with the local community are developed and/or maintained in accordance with residents' preferences.

13.2 It is up to the resident whom to welcome or not.

13.3 Prior to moving into the home, relatives, friends and representatives of residents shall be given written information about the home's policy on contacts with residents and their involvement in the home.

13.4 Involvement in the home by local community groups and/or volunteers shall accord with residents' preferences.

### Standard 14 - Autonomy and Choice

#### OUTCOME:

Residents are enabled to exercise maximum choice and control over their own personal lives.

14.1 The licensee shall operate the home so as to maximize residents' capacity to exercise personal autonomy and choice.

14.2 Residents shall manage their own financial affairs for as long as they wish to, are able to and have the capacity to do so.

14.3 Residents and, or their representatives shall be given access to information on how to obtain the necessary legal advice regarding the assessment of mental capacity, the appointment of a representative, and the preparation of a will.

14.4 Residents shall be entitled to bring personal possessions

C 1188

with them, the extent of which will be agreed in writing prior to admission. They shall also be given a lockable drawer/cupboard the extra keys of which will be kept by the proprietor/manager securely and only utilized if the resident's original keys are misplaced and such use documented accordingly.

14.5 Residents shall be entitled to access to personal records, in accordance with Data Protection Legislation.

14.6 Residents or their legally-appointed representative shall play a key role in their initial and subsequent plan of care, and their decisions shall be respected except in certain circumstances according to the Mental Health Act.

#### Standard 15 - Meals and Mealtimes

##### OUTCOME:

Residents receive a wholesome, appealing, balanced, varied and adequate diet in pleasing surroundings.

15.1 The licensee shall ensure that all residents receive a varied, appealing, wholesome and nutritious diet, which is suited to individually assessed and recorded requirements, and that meals shall be taken in a congenial setting, and with prior agreement on reasonably flexible times.

15.2 Each resident shall be offered three meals per day (at least one of which must be cooked). The licensee shall ensure that menus are drawn up by a nutritionist, in conjunction with a speech and language pathologist (according to the needs of the residents), that the residents have a choice of at least two different menus, which are rotated maximum fortnightly and that the menus are changed seasonally.

15.3 Hot and cold drinks shall be available at all hours.

15.4 All food shall be presented in a manner that is attractive and appealing in terms of texture, flavour, aroma and appearance, in order to maintain appetite and nutrition. Consideration shall be made to include typical, traditional Maltese food regularly without overlooking other cultural tastes. Special meals shall be served on festive occasions. All cooked meals shall be served at the right temperature.

15.5 Special therapeutic diets/feeds shall be provided when

advised by healthcare and dietetic staff, including adequate provision of calcium and vitamin D.

15.6 Religious or cultural dietary needs shall be catered for as agreed on admission and recorded in the care plan.

15.7 The licensee shall ensure that the menu for all meals is changed at least seasonally and is suited to the capacity and dietary requirements of all residents, and is made available to residents and their families/representatives.

15.8 The licensee shall ensure that mealtimes are unhurried with all residents being given sufficient time to eat their food comfortably.

15.9 Staff shall be ready to offer assistance in eating where necessary, discreetly, sensitively and individually, while independent eating is encouraged for as long as possible. If there are feeding difficulties due to physical or other restrictions, appropriate consultation with an Occupational Therapist and, or Speech and Language Pathologist shall be sought. Precautions shall be effectively taken to ensure correct positioning for feeding. The Home shall provide specialised dysphagia feeding devices (dysphagia cups, valved straws and auditory swallow prompters) where required.

15.10 The licensee shall ensure that all food is handled according to the Food Safety and Food Hygiene Regulations.

## CHAPTER 4 - Complaints and Protection

### Introduction

This section addresses the matter of how residents and, or their relatives and representatives can make complaints about anything that goes on in the home, both in terms of the treatment and care provided by staff and/or the facilities that are available. It deals with complaints procedures within the home relating to matters between the resident and the registered proprietor/manager. Complaints may also be made directly to the Regulator.

It is important to remember that many older people do not like to complain - whether due to difficulty in communicating effectively, embarrassment, fear of being victimised or other valid reasons. The Regulator shall ensure the licensee promotes an open culture in the home which enables all the residents, their families, friends and representatives and the staff to feel confident about making

C 1190

suggestions and complaints where appropriate without any fear of victimisation.

#### Standard 16 - Complaints

##### OUTCOME:

All residents and their relatives, friends and representatives are confident that their complaints will be listened to, taken seriously and acted upon and that they will be treated confidentially if so requested.

16.1 The licensee shall ensure that there is a simple, clear and accessible complaints procedure which includes the stages and timescales for the process, and that complaints are dealt with promptly and effectively and confidentially if so requested and that all records are kept accordingly. Every effort shall be made by the licensee to ensure complaints are resolved promptly and in-house.

16.2 The licensee shall ensure that the home has a complaints procedure which specifies how complaints may be made and who will deal with them, with an assurance that they will be responded to in a timely manner.

16.3 A record shall be kept of all complaints made and shall include details of investigations and any action taken.

16.4 The licensee shall provide residents with information on how to submit complaints to the Commissioner of Mental Health and Elderly, or another Regulatory Authority.

16.5 The licensee shall undertake to encourage an open culture where residents feel free to make suggestions and complaints without any fear of retribution.

#### Standard 17 - Rights

##### OUTCOME:

All residents' legal rights are fully protected.

17.1 All residents shall have their legal rights protected, shall be enabled to exercise their legal rights directly and participate in the civic process if they wish.

17.2 Where residents lack capacity, their appointed legal representative and the licensee/registered manager shall ensure the provision of appropriate advocacy services.

17.3 Residents' rights to participate in the political process shall be upheld, for example, by enabling them to vote in elections.

#### Standard 18 - Protection

##### OUTCOME:

All residents are fully protected from abuse.

18.1 The licensee shall ensure that all residents are safeguarded from physical, verbal, financial, psychological or sexual abuse, and from neglect, discriminatory abuse or self-harm, inhuman or degrading treatment, whether through deliberate intent, negligence or ignorance, in accordance with written policies.

18.2 Robust procedures for responding to suspicion or evidence of abuse or neglect (including whistleblowing) shall be in place to ensure the safety and protection of all residents. These shall enable the residents, close relatives and, or the legal representatives to pass on concerns to the Regulator on a confidential basis in accordance with legislation.

18.3 All allegations and incidents of abuse shall be acted on promptly by the management or the Regulator and the measures taken shall be recorded. The licensee shall also immediately report instances of abuse to the police

18.4 The licensee shall act upon any new information about staff found to be unsuitable to work with vulnerable adults in a timely manner.

18.5 The policies and practices of the home shall ensure that physical and, or verbal aggression by residents is understood and dealt with appropriately, and that physical intervention is used only as a last resort and in accordance with civil law and the Restraints Policy.

18.6 The home's policies and practices regarding residents' money and financial affairs shall ensure residents' access to their personal financial records, safe storage of money and valuables, consultation on finances in private, and advice on personal insurance; and preclude staff involvement in assisting in the making of or

benefiting from residents' wills.

18.7 Confidentiality is to be respected at all times.

## CHAPTER 5 - Environment

### Introduction to Standards 19 to 26

All new homes shall be constructed such that the living space suits all residents' needs. They shall provide single and double rooms with accessible *en suite* showers and toilets as long as residents' safety is not thereby compromised.

All new homes shall also be constructed such that they provide a homely environment - rather than an institutional setting, and should always be well maintained, tidy, and attractive and clean (in line with the Public Health Regulations).

Where the Standards specify requirements for new homes, existing homes that do not meet these requirements shall be allowed a maximum of 10 years as of the date of implementation of these standards to upgrade their premises accordingly as long as premises' structural parameters permits.

### Standard 19 - Premises

#### OUTCOME:

Residents live in a safe, well-maintained environment.

19.1 The location and layout of the home (including its grounds) shall be suitable for its stated purpose; it shall be accessible, safe and well-maintained; meet residents' individual and collective needs in a comfortable and homely way and has been designed with reference to relevant guidelines/standards regarding accessibility, health and safety and maintenance in force at the time.

19.2 A programme of routine maintenance and renewal of the fabric and decoration of the premises shall be produced and implemented with records kept.

19.3 All homes shall have documented proof that a risk assessment has been carried out by a competent person.



19.4 The building shall be covered by a fire and ventilation report prepared by a competent person (warranted engineer or architect).

19.5 The building shall comply with the requirements of the Superintendent of Public Health.

19.6 The use of cameras including CCTV shall be restricted to entrance areas, passage ways, lifts and stairs for security purposes only and do not intrude on the daily life of residents. However, for safety or communication reasons, management in agreement with residents or their representatives may introduce a camera in their rooms as long as this does not compromise the privacy of other residents.

#### Standard 20 - Shared Facilities

##### OUTCOME:

Residents have access to safe and comfortable indoor and outdoor communal facilities.

20.1 In all newly built homes and first time registrations the home shall provide indoor sitting, recreational and dining space (referred to collectively as indoor communal space) apart from residents' private accommodation and excluding corridors, balconies and entrance hall amounting to at least 4.0 sq. metres for each resident.

20.2 Indoor communal space shall be available which includes:

- room(s) in which a variety of social, cultural, recreational and religious activities can take place, and where residents can meet visitors in private;
- dining room(s) to cater comfortably for all residents;
- a sitting room.

20.3 There shall be outdoor space for residents, with seating and designed to meet the needs of all residents including those with physical, sensory and cognitive impairments, and which shall conform to the Accessibility Guidelines.

20.4 Pre-existing homes that provide at least 4.0 sq. metres of indoor communal space for each resident as at time of

implementation of these Standards shall continue to do so. Existing homes that do not have this communal space shall ensure the provision of that space within a maximum of 10 years as of date of implementation of these Standards.

20.5 Lighting in communal rooms shall be domestic in character. Lighting levels shall conform to the levels specified in appropriate legislation related to the operation of homes for older persons and positioned to facilitate reading and other activities.

20.6 Furnishings of communal rooms shall be domestic in character and of good quality, and suitable for the range of interests and activities preferred by residents.

#### Standard 21 - Lavatories and Washing Facilities

##### OUTCOME:

Residents have sufficient and suitable lavatories and washing facilities.

21.1 Toilet, washing and bathing facilities shall be provided to meet the needs of all residents and shall conform to the provisions of appropriate legislation related to the operation of homes for older persons.

21.2 There shall be accessible toilets (as specified in appropriate legislation related to the operation of homes for older persons) for residents, clearly marked, close to lounge and dining areas.

21.3 All newly built homes, new extensions to homes and first time registrations shall have accessible (as defined in appropriate legislation related to the operation of homes for older persons) *en suite* bathing/shower facilities provided in residents' rooms.

21.4 Pre-existing care homes, which provided at least 1 assisted bath (or assisted showers provided this meets residents' needs) to no more than 5 residents as at date of implementation of these Standards, shall continue to do so. Those homes that do not meet this requirement shall do so within a maximum of 10 years thereafter as long as premises' structural parameters permits.

21.5 The floor area of *en suite* facilities shall be in addition to the minimum usable floor space standards in any resident's room.

21.6 Any sluices provided shall be located separately from residents' toilet and bathing facilities.

#### Standard 22 - Adaptations and Equipment

##### OUTCOME:

The independence of residents is maximised through the use of specialist equipment.

22.1 The licensee/registered manager shall demonstrate that an assessment of the premises and facilities has been made by suitably qualified occupational therapist with specialist knowledge of the client groups catered for, and shall provide evidence that the recommended disability equipment has been provided and the facilities are accessible to all (as specified in appropriate legislation related to the operation of homes for older persons) and any further environmental adaptations shall be made to meet the needs of residents.

22.2 Aids, hoists and assisted toilets and baths shall be installed which are capable of meeting the assessed needs of residents.

22.3 Facilities, including communication aids (e.g. a loop system), and signs shall be provided to satisfy the needs of all residents, taking account of the needs, for example, of those with hearing impairment, visual impairment, dual sensory impairments, learning disabilities or dementia or other cognitive impairment, where necessary.

23.4 Storage areas shall be provided for aids and equipment, including wheelchairs.

23.5 Call systems with an accessible alarm facility shall be provided in every room.

#### Standard 23 - Individual Accommodation: Space Requirements

##### OUTCOME:

Residents' own rooms suit their needs.

23.1 The home shall provide accommodation for each resident which meets minimum space as follows:

23.2 In all new build, extensions and first time registrations, places provided as single rooms shall have a minimum of 12 sq. metres usable floor-space (excluding *en suite* facilities).

23.3 Pre-existing care homes with rooms which provide 9 to 12 sq metres of useable space for each resident shall make 12 sq. metres available within a maximum of 10 years as of the date of implementation of these Standards. Any home that has rooms providing less than 9 sq. metres of useable floor space per resident shall terminate their use as residents' bedrooms.

23.4 In existing establishments, single rooms accommodating wheelchair users shall have at least 12sq. metres usable floor space (excluding *en suite* facilities).

23.5 The number of wheelchair accessible rooms and their configuration shall conform to the requirements as detailed in appropriate legislation related to the operation of homes for older persons.

23.6 Room dimensions and layout options shall ensure that there is room on either side of the bed, to enable access for carers and any equipment needed.

23.7. Where rooms are shared, they shall be occupied by no more than two residents, unless otherwise agreed upon in the contract. The licensee shall consider the physical, social, cultural compatibility of sharing residents when making room-sharing decisions, and shall ensure that sharing residents have made a positive choice to share with each other.

23.8 When a shared place becomes vacant, the remaining resident shall be given the opportunity to apply to move into a single room.

23.9 Rooms that are currently shared shall have at least 6sq metres of usable floor space per resident (excluding *en suite* facilities).

23.10 In all new builds, extensions and all first time registrations, double rooms shall have at least 8 sq. metres of usable floor space per resident.

23.11 Pre-existing care homes that provide 6 sq. metres of usable floor space for each resident in shared rooms shall make at least 8 sq. metres available within a maximum of 10 years from date of implementation of these Standards as long as premises' structural

parameters permits. Any home that has rooms with less than 6 sq. metres of usable floor space per resident and the premises' structural parameters permits this upgrade but fail to adhere shall terminate their use as residents' bedrooms.

#### Standard 24 - Individual Accommodation: Furniture and Fittings

##### OUTCOME:

Residents live in safe, comfortable bedrooms with their own possessions around them.

24.1 The home shall provide private accommodation for each resident which is furnished and equipped to assure comfort and privacy, and meets the assessed needs of the resident.

24.2 In the absence of residents' own provision, furnishings for individual rooms shall be provided to the minimum as follows:

- a clean comfortable bed, minimum 900mm wide, at a suitable, safe height for the resident, and bed linen;
- curtains or blinds;
- mirror;
- overhead and accessible bedside lighting;
- a nurse calling buzzer;
- comfortable seating for two people;
- drawers and enclosed space for hanging clothes;
- at least 2 accessible double electric sockets;
- a table to sit at and a bed-side table;
- TV, telephone and Internet sockets shall be made on request of the resident.

24.3 Adjustable beds and special mattresses shall be provided for residents receiving nursing care.

24.4 All residents' room shall have non-slip tile flooring or equivalent.

C 1198

24.5 Doors to residents' private accommodation shall be fitted with locks suited to residents' capabilities and accessible to staff in emergencies.

24.6 Residents shall be provided with keys unless their risk assessment suggests otherwise.

24.7 Each resident shall have lockable storage space for medication, money and valuables and shall be provided with the key, which the resident or a person of trust authorised by the resident can retain (unless the reason for not doing so is explained in the care plan).

24.8 Screening shall be provided in shared rooms to ensure privacy for personal care.

#### Standard 25 - Services: Heating and Lighting

##### OUTCOME:

Residents live in safe, comfortable surroundings.

25.1 The ambient temperature control, lighting, water supply and ventilation of residents' accommodation shall meet the relevant environmental health and safety requirements and the needs of each individual resident.

25.6 Rooms shall be individually and ventilated with windows conforming to recognised standards.

25.7 In new build, extensions and all first time registrations the resident shall have access to windows the height of which shall enable the resident to see out of it when seated or in bed.

25.8 Rooms shall be environmentally controlled and the temperature may be controlled in the service user's own room.

25.9 Pipe work and radiators shall be guarded or have guaranteed low temperature surfaces.

25.10 Lighting in residents' accommodation shall meet recognised standards (lux 150), shall be domestic in character, and include table-level lamp lighting.

25.11 Emergency lighting shall be provided throughout the home.

25.12 The facility shall be serviced by a generator that shall provide uninterrupted power supply which shall be sufficient to provide uninterrupted running of lighting, environmental control and essential services.

25.13 Water shall be stored at a temperature to prevent risks from Legionella, to prevent risks from scalding, pre-set valves of a type unaffected by changes in water pressure and which have failsafe devices shall be fitted locally to provide water close to 43 degrees Celsius.

25.14 Air conditioners and similar equipment shall be serviced according to the manufacturer's instructions and a recorded preventative maintenance schedule shall be made available in line with local legislation.

#### Standard 26 - Services: Hygiene and Control of Infection

##### OUTCOME:

The home is clean, pleasant and hygienic.

26.1 The premises shall be kept clean, hygienic and free from offensive odours throughout and systems shall be in place to control the spread of infection, in accordance with relevant legislation and published professional guidance.

26.2 There shall be prompt and efficient systems for soiled diapers to be disposed of immediately.

26.3 Laundry facilities shall be sited so that soiled articles, clothing and infected linen are not carried through areas where food is stored, prepared, cooked or eaten and do not intrude on residents. Hand washing facilities shall be prominently available for visitors who shall be instructed to wash their hands on entering and leaving the Home.

26.4 Hand washing facilities shall be prominently sited in areas where infected material and/or clinical waste are being handled.

26.5 The laundry floor finishes shall be impermeable and these and wall finishes are readily cleanable.

26.6 Policies and procedures shall be in place for control of infection including the safe handling and disposal of clinical waste; dealing with spillages; provision of protective clothing; hand

washing. The licensee/registered manager shall provide documented proof that policy and procedures are in place in this regard.

26.7 There shall be a written policy for the management of outbreaks.

26.8 The home shall have a sluicing facility and a sluicing disinfectant.

26.9 Sluice room doors shall be kept closed at all times.

26.10 Foul laundry shall be washed at appropriate temperatures (minimum 65°C for not less than 10 minutes) to thoroughly clean linen and control risk of infection.

26.11 Washing machines shall have the specified programming ability to meet disinfection standards.

26.12 Foul and dirty laundry shall be separated from clean laundry

26.13 Laundry facilities and laundry processes shall comply with standard EN 14065

26.14 Systems shall be in place for all items sent for laundry to be returned to their rightful owners.

## CHAPTER 6 - Staffing

### Introduction

In determining appropriate staffing contingents in all care homes, (and in those that provide nursing and dementia care in particular), the regulatory requirement that staffing levels and skills mix are adequate to meet the assessed and recorded needs of the residents at all times in the particular home must be met.

This section, therefore, sets out baseline Standards which should apply as a minimum to all settings. Each home must then determine the appropriate staffing levels and skills to meet the assessed needs of its own particular residents at all times, which will then be approved by the Regulator.

### Standard 27 – Staff Complement



## OUTCOME:

All residents' needs are met at all times by the number and skills mix of staff.

27.1 Staffing numbers and skill mix of qualified/unqualified staff shall at all times be appropriate to the assessed needs of all the residents, the size, layout and purpose of the home, at all times.

27.2 A recorded staff rota showing which staff are on duty at any time during the day and night and in what capacity shall be kept.

27.3 The ratios of care staff to residents shall be determined according to the assessed needs of residents, and in accordance with the Barthel 20 index to properly identify all residents' care needs and appropriate staffing levels.

27.4 On admission and following any change in the dependency of any one resident, the ratio of care staff to residents shall be altered accordingly as determined by the Barthel 20 index.

27.5 The skills mix registered nurses to care workers shall also be guided by the Barthel 20 index with the additional minimum requirement that there shall be at least one qualified registered nurse on duty during every shift.

27.6 Additional staff shall be on duty at peak times of activity during the day.

27.7 There shall be waking night staff on duty in numbers that reflect the numbers and needs of residents and the layout of the home. In care homes providing nursing this shall include registered nurse(s).

27.8 Staff shall be employed in sufficient numbers to ensure that standards relating to food, meals and nutrition are fully met, and that the home is maintained in a clean and hygienic state, free from dirt and unpleasant odours.

27.9 All nurses and carers and nurses shall be able to speak in English or Maltese. Management shall ensure that there are no language barriers for the clients.

27.10 The licensee shall ensure each resident has a primary care physician and, or geriatrician assigned and that this physician is responsible for the initial plan of care and subsequent reviews and revisions. A clearly documented system for access to emergency medical care shall be in place.

C 1202

27.11 The licensee shall indicate in each resident's contract how the physician is assigned and who is responsible for the payment of these medical services.

Standard 28 - Qualifications

OUTCOME:

Residents are in safe hands and adequately cared for at all times.

28.1 All care staff shall have the applicable required training as required by the Regulator but at least at MQC level 3. Qualified nurses are to be registered with the Council of Nurses and Midwives whilst care workers shall have a recognised care of the elderly certificate and be able to meet criteria for registration in the applicable register in terms of the Care Workers Act, 2016.

Standard 29 - Recruitment

OUTCOME:

Residents are supported and protected by the home's written recruitment policy and practices (accessible on line).

29.1 The registered licensee shall operate a thorough, documented and transparent recruitment procedure based on equal opportunities and shall ensure the protection of residents at all times.

29.2 At least two written references shall be obtained before appointing a member of staff, and any gaps in employment records shall be investigated.

29.3 New staff members shall be confirmed in their posts only following the submission of a clean Police Conduct Certificate.

29.4 Staff shall be employed in accordance with the code of conduct and practice set by the respective professional bodies.

29.5 The licensee shall have a Code of Ethics in place for all staff members consistent with the principles underpinning these Standards.

29.5 All employees shall receive a contract of employment and job description. A copy of the Employment and Industrial Relations

Act shall be accessible to all staff in the home.

29.6 The recruitment and selection process for any volunteers involved in the home shall be thorough and include police checks.

#### Standard 30 - Staff Training

##### OUTCOME:

All staff is trained and competent to do their jobs.

30.1 The licensee shall ensure there is a staff training and development programme to meet the ongoing and changing needs of all the residents.

30.2 All members of staff shall receive induction training within 6 weeks of appointment to their posts, including training on the principles of care, safe working practices, the organisation and employees' role, the experiences and particular needs of the resident group, and the influences and particular requirements of the service setting.

30.3 All staff shall receive documented foundation training including, but not limited to, handling and transferring training and fire and safety training within the first six months of appointment, which equips them to meet the assessed needs of all the residents as defined in their individual plan of care.

30.4 All staff shall receive a minimum of three paid days training per year (including in-house training), and have an individual training and development assessment profile.

## CHAPTER 7 - Management and Administration

### Introduction

This section sets out the standards relating to the qualities and qualifications required of the persons in day-to-day control of the delivery of care, and how they should exercise their responsibilities.

Both the regulations and the standards highlight the importance of consulting residents about their health and personal care, interests and preferences.

C 1204

A key requirement of these standards is that residents are regularly surveyed for their opinions and that the results of the surveys are published.

#### Standard 31 - Day to Day Operations

##### OUTCOME:

Residents live in a home which is run and managed by a person who is fit to be in charge, of good character and able to discharge his/her responsibilities fully.

31.1 The registered manager shall be competent in management and in health related sciences.

31.2 The registered manager shall be responsible for no more than one registered establishment.

31.3 The registered manager shall demonstrate that he/she has undertaken periodic training to update his/her knowledge, skills and competence, whilst managing the home.

31.4 The manager and other senior staff shall be familiar with the conditions/diseases associated with old age.

31.5 The job description of the registered manager shall enable him/her to take responsibility for fulfilling his/her duties.

31.6 There shall be clear lines of accountability within the home and with any existing external management and, or Board.

31.7 The registered manager shall ensure the responsibilities of all staff members are clearly delineated and recorded accordingly.

31.8 Where the licensee is in day-to-day control of the home, he/she shall meet all standards applying to the registered manager.

#### Standard 32 - Ethos

##### OUTCOME:

Residents benefit from the ethos, leadership and management of the home.

32.1 The licensee/registered manager shall ensure that the

management approach of the home creates an open, positive, inclusive and friendly atmosphere.

32.2 The registered manager shall communicate a clear sense of direction and leadership, which staff and residents understand and are able to relate to the aims and purpose of the home.

32.3 The registered manager shall have recorded strategies for enabling staff, residents and other stakeholders to affect the way in which the service is delivered.

32.4 The processes of managing and running the home shall be open and transparent.

32.5 Management planning and practice shall encourage innovation, creativity and development.

32.6 A commitment shall be made to equal opportunities in the organisation as stated in the Equality for Men and Women Act or in any other Act regulating Equality issues.

32.7 The registered person shall comply with his/her professional Code of Practice in so far as the Code is relevant to the management of a care home.

32.8 The registered manager adheres to the Charter of the Rights of Residents in Care Homes for the Elderly.

### Standard 33 - Quality Assurance

#### OUTCOME:

The home is run in the best interests of all residents.

33.1 Effective quality assurance and quality monitoring systems, based on seeking the views of residents, their representatives and family members shall be in place to measure success in meeting the aims, objectives and statement of purpose of the home. Records shall be kept accordingly.

33.2 There shall be an annual development plan for the home, based on a systematic cycle of planning - action - review, reflecting aims and outcomes for residents.

33.3 There shall be continuous self-monitoring, using an objective, consistently obtained and reviewed and verifiable method

(preferably a professionally recognised quality assurance system) and involving residents; and an internal audit shall take place at least annually.

33.4 The results of resident surveys and of any audits shall be published and made available to current and prospective residents, their representatives and other interested parties, including the Regulator.

33.5 Feedback shall be regularly sought from individual residents and through group discussion, and at least yearly through user satisfaction questionnaires. Residents shall be encouraged to form an association.

33.6 The views of family and friends and of stakeholders in the community (e.g. GPs, podiatrist, voluntary organisation staff) shall be regularly sought on how the home is achieving goals for residents and shall be duly recorded.

33.7 Residents shall be told about planned inspections by the Regulator and shall be given access to inspectors. The views of residents, their representatives and family members shall be made available to inspectors for inclusion in inspection reports. Confidentiality and anonymity shall be adhered to whenever so requested.

33.8 Policies, procedures and practices shall be regularly reviewed in light of changing legislation and of good practice advice from the Department of Health.

33.9 Action shall be progressed within agreed timescales to implement requirements identified in the Regulator's inspection reports.

#### Standard 34 - Financial Procedures

##### OUTCOME:

Residents are safeguarded by the accounting and financial procedures of the home.

34.1 Suitable accounting, auditing and financial procedures shall be adopted to demonstrate current financial viability and to ensure there is effective and efficient management of the home.

34.2 Insurance cover shall be put in place against loss or

damage to the assets of the business. The level of cover shall reflect the full replacement value of buildings, fixture, fittings and equipment.

34.3 Insurance cover shall be provided for business interruption costs (including loss of earnings), as well as costs to the operator of meeting its contract liabilities. The latter shall be sufficient to cover the licensee's/registered person's legal liabilities to employees, residents and third party persons to a limit commensurate with the level and extent of activities undertaken.

34.4 Records shall be kept of all transactions entered into by the licensee/registered manager.

34.5 There shall be a business and financial plan for the establishment, open to inspection and reviewed annually.

#### Standard 35 - Residents' Money

##### OUTCOME:

Residents' financial interests are safeguarded.

35.1 The licensee/registered manager shall ensure that residents control their own money and assets except where they state that they do not wish to, or they have been formally found (according to local legislation) to lack the mental capacity to manage their finances. Legal safeguards shall be in place to protect the interests of the residents.

35.2 Written records of all transactions shall be maintained.

35.3 Where the money of individual residents is handled, the licensee/registered manager shall ensure that the personal allowances of these residents are not pooled and appropriate records and receipts are kept.

35.4 The home's policies and practices regarding service users' money and financial affairs ensure service users' access to their personal financial records, safe storage of money and valuables, consultation on finances in private adequate privacy when residents want to consult someone on financial matters, and preclude staff involvement in and assisting in the making of or benefiting from service users' wills. Any demand for the appointment of a guardian has to be made in line with the applicable local legislation (Civil Code as amended by the Guardianship Act).

35.5 Secure facilities shall be provided for the safekeeping of money and valuables on behalf of all the residents.

35.6 Records and receipts shall be kept of possessions handed over for safekeeping.

#### Standard 36 - Staff Supervision

##### OUTCOME:

Staff are appropriately and adequately supervised.

36.1 The licensee/registered manager shall ensure that the employment policies and procedures adopted by the home and its induction, training and supervision arrangements are put into practice.

36.2 The registered manager shall ensure a performance plan for each care staff member shall be in place against which a performance appraisal shall be conducted twice yearly.

36.3 The performance plan shall include supervision that covers:

- all aspects of practice;
- philosophy of care in the home;
- career development needs.

36.4 All staff shall be supervised as part of the normal management process on a continuous basis.

36.5 All registered nurses in the home shall be responsible for the supervision of all care workers in his/her team.

36.6 Volunteers shall receive training, supervision and support appropriate to their role and shall not replace paid staff.

#### Standard 37 - Record Keeping

##### OUTCOME:

Residents' rights and best interests are safeguarded by the home's record keeping policies



and procedures.

37.1 Records required by regulation for the protection of residents and for the effective and efficient running of the home shall be maintained, up to date and accurate.

37.2 Residents and their representatives shall have access to their records and information about them held by the home, as well as opportunities to help maintain their personal records.

37.3 Individual records and home records shall be secure, up to date and in good order; and shall be constructed, maintained and used in accordance with the Data Protection Act and other statutory requirements.

#### Standard 38 - Safe Working Practices

##### OUTCOME:

The health, safety and welfare of all residents and staff are promoted and protected at all times.

38.1 The licensee/registered manager shall ensure so far as is reasonably practicable the health, safety and welfare of all residents and staff.

38.2 The licensee/registered manager shall ensure safe working practices including:

- moving and handling: use of techniques for moving people and objects that avoid injury to residents or staff;
- fire safety: understanding and implementation of appropriate fire procedures;
- first aid: knowledge of how to deal with accidents and health emergencies; provision of a first aid box and a qualified first aider at all times; and recording of all cases;
- food hygiene: correct storage and preparation of food to avoid food poisoning, including labelling and dating of stored food;
- infection control: understanding and practice of measures to prevent spread of infection and communicable diseases.

38.3 The registered manager shall ensure the health and safety of residents and staff including:

- safe storage and disposal of hazardous substances;
- regular servicing of boilers, water tanks, gas storage and air conditioning systems under contract by competent persons and endorsed by a warranted engineer;
- maintenance of electrical systems and electrical equipment and certified by a warranted engineer;
- installation, testing and maintenance of services supplying and conveying water in accordance with EN 806 1-5:2000 and CEN/TR 16355:2012;
- risk of Legionella;
- risks from hot water/surfaces (i.e. temperature close to 43°C);
- provision and maintenance of window restrictors, based on assessment of vulnerability of and risk to residents;
- maintenance of a safe environment including kitchen equipment and laundry machinery; outdoor steps and pathways; gardening equipment;
- security of the premises;
- security of residents based on an assessment of their vulnerability.

38.4 The licensee/registered manager shall ensure compliance with relevant legislation relating to workplace safety.

38.5 The licensee/registered manager shall provide a written statement of the policy, organisation and arrangements for maintaining safe working practices.

38.6 The licensee/registered manager shall ensure that risk assessments are carried out for all safe working practice topics and that significant findings of the risk assessment are recorded.

38.7 All accidents, injuries and incidents of illness shall be documented and reported by staff to the registered manager. All communicable diseases shall be recorded and reported immediately to the Regulator and the Superintendent of Public Health.

38.8 Safety procedures shall be posted, and explained, in formats that are easily understood and take account of residents' special communication needs.

38.9 All staff shall receive induction and foundation training and updates on all safe working practice topics.

39.10 The licensee/registered manager shall ensure adequate provision of well-maintained equipment (wheelchairs, hoists, air mattresses, pressure pillows, tilting and variable height beds, etc.) to meet all residents' needs.

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Schedule 2

Class of homes

(Article 17)

Criteria	Sub Criteria	Comment
Structure & Environment	Common areas - Indoor	Expert = architect
	Common areas - Outdoor	Expert = architect
	Resident - Furnishings	Expert = architect
Facilities & Equipment	Resident	-
	Staff	-
	Visitor	-
Management & Services	Clinical (Medicines)	Expert = internal
	Operational	-
	Administration	-
	Support Services	-
	Active Ageing	-
	Policies	-
	Documentation	-
	Processes	-
Staffing	Compliment	-
	Registration	-
	Qualifications	-
	CPD	-
	Certification	-
Fire Safety	Equipment & Facilities	Expert = fire-safety officer
	Processes	-
Health & Safety	Staff	Expert = H&S officer
	Resident	-
	Visitor	-

# VERŽJONI ELETTRONIKA

C 1212

Environmental Health	-	Expert = health inspector
Meals	Nutrition	Expert = nutritionist
	Dysphagia	Expert = SLP
	Food Handling	Expert = H&S
	Range	-
	Hotel Service	-
Infection Control	Processes	Expert = infection control nurse/official
	Facilities/equipment	-
	Signage	-

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## Schedule 3

### Administrative Penalties

(Article 45)

Article	Default	Penalty	Daily Penalty
17(2)	Failure to keep or manage the care or nursing home according to the category in which it is classified	minimum €5,000 maximum €10,000	€3,500
24	Failure to supply information when so requested by the Authority	minimum €5,000 maximum €10,000	€500
25	Failure to comply with the provisions of the Act or the terms of the licence	minimum €5,000 maximum €10,000	€500
26	Failure to allow inspection of premises by the officers of the Authority	minimum €5,000 maximum €10,000	€500

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Schedule 4

(Article 13)

There shall be paid to the Authority, in respect of the issue or renewal of a licence shown under Column 1 of this Schedule, the fee shown under Column 2 of this Schedule.

Licence Fees

Column 1 Type	Column 2 Fee
Homes for older persons, nursing homes or other similar establishment or institution under 100 beds .....	€2,000 yearly
Homes for older persons, nursing homes or other similar establishment or institution over 100 beds .....	€3,500 yearly

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**Objects and Reasons**

The object of this Bill is provide a specific legal framework for the operation and management of care and nursing homes for older persons with the ultimate aim being the protection of the physical, emotional and social well-being of older persons. The bill aims at establishing standards that such homes have to meet in order to guarantee the well-being of older persons. The bill also establishes the Homes for Older Persons (Care Quality Standards) Authority which will act as a regulator and watch dog over the operation of such homes.

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