

**APPLICATION FOR URGENT PROCEDURE UNDER ARTICLE 21 OF THE
HEALTH AND PERSONAL SOCIAL SERVICES (QUALITY, IMPROVEMENT AND
REGULATION) (NORTHERN IRELAND) ORDER 2003**

Applicant

Regulation and Quality Improvement Authority
of
5 Lanyon Place
Belfast

The Registered Person

Dr Una McDonald

The Home

Owen Mor Care Centre
167 Culmore Road,
Londonderry
BT48 8JH

WHEREAS:-

A: On the 15th day of August 2019, the Home , namely Owen Mor Care Centre being a regulated establishment for the purposes of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (2003 Order) was subject to an inspection conducted by Inspectors from RQIA authorised under Article 35 of the 2003 Order.

The inspection process together with the a follow up multi- disciplinary meeting held on the 16th day of August 2019 has determined that the Registered Person has failed to comply with Notices issued on the 15th May 2019 in respect of contravention of the following specified regulations as set out in the Nursing Homes Regulations (Northern Ireland) 2005

1. Registered person: general requirements

10.—(1) The registered provider and the registered manager shall, having regard to the size of the nursing home, the statement of purpose, and the number and needs of the patients, carry on or manage the nursing home (as the case may be) with sufficient care, competence and skill.

(2) If the registered provider is –

(a) an individual, he shall undertake;

(b) an organisation, it shall ensure that the responsible individual undertakes;

(c) a partnership, it shall ensure that one of the partners undertakes;

from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the nursing home.

(3) The registered manager shall undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the nursing home.

2. HEALTH AND WELFARE OF PATIENTS

13.—(1) The registered person shall ensure that the nursing home is conducted so as –

(a) to promote and make proper provision for the nursing, health and welfare of patients;

(b) to make proper provision for the nursing and where appropriate, treatment and supervision of patients.

(4) Subject to paragraph (5), the registered person shall make suitable arrangements for the ordering, storage, stock control, recording, handling, safe keeping, safe administration and disposal of medicines used in or for the purposes of the nursing home to ensure that –

(a) any medicine which is kept in a nursing home is stored in a secure place; and

(b) medicine which is prescribed is administered as prescribed to the patient for whom it is prescribed, and to no other patient; and

(C) a written record is kept of the administration of any medicine to a patient.

(5) Paragraph (4) does not apply to medicine which –

(a) is stored by the individual for whom it is provided in such a way that others are prevented from using it; and

(b) may be safely self-administered by that individual.

(6) In this regulation, "prescribed" means –

(a) ordered for a patient for provision to him under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972(1); or

(b) prescribed for a patient under Section 58 of the Medicines Act 1968(2)

3. STAFFING

20.—(1) The registered person shall, having regard to the size of the nursing home, the statement of purpose and the number and needs of patients –

- (a) ensure that at all times suitably qualified, competent and experienced persons are working at the nursing home in such numbers as are appropriate for the health and welfare of patients;*
- (b) ensure that the employment of any persons on a temporary basis at the nursing home will not prevent patients from receiving such continuity of nursing as is reasonable to meet their needs;*
- (c) ensure that the persons employed by the registered person to work at the nursing home receive –*
 - (i) appraisal, mandatory training and other training appropriate to the work they are to perform; and*
 - (ii) are supported to maintain their registration with the appropriate regulatory or occupational body; and*
 - (iii) are enabled from time to time to obtain training and/or further qualifications appropriate to the work they perform;*
 - (iii) are provided with a job description outlining their responsibilities.*

B. STATUTORY AUTHORITY

Article 21 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 provides:-

Urgent procedure for cancellation etc.

21. (1) If—

- (a) the Regulation and Improvement Authority applies to a justice of the peace for an order—*
 - (i) cancelling the registration of a person in respect of an establishment or agency;*
 - (ii) varying or removing any condition for the time being in force by virtue of this Part; or*
 - (iii) imposing an additional condition; and*

(b) it appears to the justice that, unless the order is made, there will be a serious risk to a person's life, health or well-being,

the justice may make the order, and the cancellation, variation, removal or imposition shall have effect from the time when the order is made.

(2) An application under paragraph (1) may, if the justice thinks fit, be made without notice.

(3) As soon as practicable after the making of an application under this Article, the Regulation and Improvement Authority shall notify the Department and the appropriate authority of the making of the application.

(4) An order under paragraph (1) shall be in writing.

(5) Where such an order is made, the Regulation and Improvement Authority shall, as soon as practicable after the making of the order, serve on the person registered in respect of the establishment or agency—

(a) a copy of the order; and

(b) notice of the right of appeal conferred by Article 22.

C. REASONS

For the reasons set out in the attached Statement signed by Judith Taylor dated the 16th day of August and the outcome of a multi-disciplinary meeting held on the same day, it is the belief of RQIA that should the conditions stated herein below not be imposed by way of urgent application, there will be a serious risk to the health and well-being of a number of patients currently resident within the Home.

Enforcement Activity has been ongoing in respect of the Registered Person and the Home since 15th May 2019. Within this period, there has been opportunity to make such improvements as required necessary and as set out in the Notices issued.

Given the seriousness and urgency of the concerns which remain, RQIA believe it is reasonable and proportionate that such conditions be given without notice.

A right of Appeal will remain available to the Registered Person.

D ORDER FOR ADDITIONAL CONDITIONS

In accordance with Article 21 of the 2003 Order, the RQIA now seeks an Order for the following conditions to be imposed in respect of the current registration of the Registered Person in respect of the Home with immediate effect

1. No further admissions are to be made to the nursing home with immediate effect;
2. East Eden Limited to immediately set in place an arrangement for the assessment of registered nurses' competency and capability in the safe administration of medicines by a suitably qualified person not a member of Owen Mor current staff. This is to ensure that patients receive their medications as prescribed;
3. An application for registration of a permanent Responsible individual for the organisation to be submitted forthwith;
4. A manager is to be appointed with the qualifications, skills and experience necessary to manage the nursing home forthwith; and
5. Actions in the failure to comply notices Ref: FTC000035; FTC000036; FTC000039 and FTC000040 issued on 15 May 2019 must be complied with.

This 16 day of August 2019.

M. Mc Colgan.

Signed Frances J. Wesley
Justice of the Peace

STATEMENT OF JUDITH TAYLOR, PHARMACIST INSPECTOR, RQIA

STATEMENT OF:

Judith Taylor
(Name)

Pharmacist Inspector
(Designation)

Regulation and Quality Improvement Authority
(Organisation)

I declare that this statement consisting of two pages each signed by me is true, to the best of my knowledge and belief.

Dated this 16th

Day of August 2019

I am employed as a pharmacist inspector in The Regulation and Quality Improvement Authority (RQIA). I have been a registered pharmacist for 23 years and have been an inspector with RQIA since June 2005.

The RQIA is the independent body that regulates and inspects the quality and availability of Northern Ireland's health and social care (HSC) services. RQIA was established in 2005 under The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003.

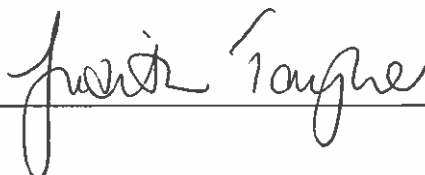
The RQIA (Fees and Frequency of Inspections) Regulations (Northern Ireland) 2005 and associated amendments determine the minimum number of inspections for each category of service. RQIA is required to inspect adult nursing and residential care homes on a minimum of two occasions each year. These inspections may be announced or unannounced, and examine compliance with regulations and the minimum standards.

This statement relates to the care and services provided by East Eden Limited in Owen Mor Care Centre, Londonderry.

An RQIA inspection in relation to the management of medicines on 2 May 2019 – identified that areas of improvement from the previous medicines management inspection on 6 August 2018 had not been addressed. These related to patients not receiving their medicines as prescribed, poor record keeping practices and audits not picking up these issues. This was followed by a further RQIA inspection relating to patient care and finances.

Following the outcomes of these inspections four Failure to Comply Notices were issued on 15 May 2019. Further inspection on 26 June 2019 evidenced some progress but not sufficient to achieve compliance. The notices were extended to the maximum period of three months. An inspection on 15 August 2019 still showed that compliance had not been achieved.

Signature: _____



The findings raised concerns about staff knowledge, their competency and understanding of safe practice in the management of medicines. In particular, the management of constipation, nutrition and pain in patients, living with dementia; these patients maybe unable to express their needs.

Due to the number of missed doses identified through review of medicine records, there was insufficient evidence that a number of patients' medicines had been administered as prescribed by the general practitioner. There is a risk that missed doses will have an impact on the health and well-being of these patients.

Signature: _____

Justine Taylor