

**OLDER PERSONS STANDARDS AUTHORITY ACT
(CAP. 640)**

**Regulatory Standards for Residential Services for Older Persons Regulations including
Persons living with Dementia,
2025**

IN EXERCISE of the powers conferred by article 45 of the Older Persons Standards Authority Act, the Minister for Health and Active Ageing, has made the following regulations: -

Title.

1. The title of these regulations is the Regulatory Standards for Residential Services for Older Persons Regulations including Persons living with Dementia, 2025.

Scope.

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2. These regulations by means of the Schedule, elevate the Regulatory Standards for Residential Services for Older Persons including Persons living with Dementia, to the status of subsidiary legislation under the Older Persons Standards Authority Act.

Interpretation.

3. In these regulations, unless the context otherwise requires:

Cap. 640.

"Act" means the Older Persons Standards Authority Act;

Cap. 640..

“Authority” means the Older Persons Standards Standards Authority as established by virtue of ACT No. XXXVIII of 2023 the Older Persons Standards Authority Act;

“challenging behaviour” means behaviour of such an intensity, frequency, or duration exhibited by residents that is triggered by intrinsic or extrinsic factors, that it has the potential to cause physical, emotional and/or psychological harm to the residents themselves or other persons around them. This behaviour is likely to limit or deny access to certain services or facilities without adequate support;

“civil rights” mean rights conferred on persons by the laws of Malta;
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“cognitive impairment” means a condition, such as but not limited to, stroke, brain injury, developmental disability, degenerative brain disorders, or exposure to toxic substances, which causes, temporarily or permanently, difficulties with daily functions such as remembering, concentrating, understanding, decision-making or communication, or any other difficulties that may affect the person’s everyday life;

“competent person” means a person who is qualified and licensed to carry out specific activities, in accordance with national legislation, standards or directives issued by the applicable authorities, and who is registered with the relevant professional body;

“comprehensive geriatric assessment” means a process which includes a multidimensional assessment of a person with increasing dependency, including medical, physical, cognitive, social, and spiritual components. Can also include the use of standardised assessment instruments and an interdisciplinary care team to support the process;

“dementia-friendly” means an environment which ensures the safety of and facilitates perception and navigation for persons living with dementia, as well as reducing the risk of confusion and agitation and encouraging independence;

“facility” means the premises from where geriatric services are provided, and that have been purposely built or adapted to accommodate older persons with varying levels of care needs on a short-term or long-term basis. The premises shall have fittings and equipment specifically suited for the holistic provision of the residents’ care and well-being. It shall be the service provider’s responsibility to ensure that any obligations regarding the facility are met, including cases where the premises are not owned by the service provider.

“geriatric care service” means a specialist area concerned with the health care, social aspects, and preventative needs of older persons both in health and illness. Geriatric services include assessment, treatment, and short-term and long-term care for older people with physical, cognitive impairment/dementia, or functional support needs. Services are typically provided by multidisciplinary teams of health professionals with specific qualifications and/or expertise in disease processes and injury in older persons;

“holistic assessment” means the process by which the staff identifies the needs and aspirations of community members in relation to their health, personal, emotional, spiritual, and psychological care, protection and social networking and family support, which services should be delivered to satisfy these needs and aspirations;

“interdisciplinary care team” means a team made up of a number of professionals from a range of disciplines working collaboratively to deliver comprehensive care that addresses the needs of individuals availing themselves of the service. The team works for a common purpose, shares common goals and responsibilities, and mobilises resources to fulfil its role;

“legally appointed representative” means a person that may be nominated by the resident to be kept informed about the residents’ personal affairs and take decisions or act on the residents’ behalf. Such persons cannot be part of the management or staff of the service provider. The resident may also be assigned a guardian by the Guardianship Board in which case certain decisions shall be taken by the guardian in accordance with the Civil Code;

“licensed beds” means beds to be occupied by older persons and licensed as per Regulatory Standards for Residential Services for Older Persons Regulations. In the case of any breaches to the bed licensing conditions, the license holder shall be held accountable.

“management” means persons who are designated on the facility to act on behalf of the service provider to provide leadership to staff and to oversee and control the proper functioning of the services offered to residents;

“night shelter” means a service where older persons attend to spend the night, arriving in the evening and leaving the next morning;

“older person” means a person over the age of sixty;

“older person living with dementia” means an older person with a documented dementia diagnosis, made by a licensed, specialised medical practitioner or a specialised and warranted psychologist, in accordance with the latest internationally recognised diagnostic criteria. The condition ranges from mild to severe stages, each necessitating additional, proportionate levels of care and support tailored to the individual’s cognitive, functional, and psychosocial needs;

“performance indicator” means an indicative, but not exhaustive, action which the service provider should take in order to be compliant with the associated Quality Indicator. The Authority may amend these performance indicators at any time and may also issue additional recommendations to the service provider if any practices are noted which go against the Quality Indicator;

“personal care plan” means a document that is based on a comprehensive geriatric assessment of a given resident that clearly outlines the overall treatment plan, including follow-up, as well as a list of resources prescribed by the interdisciplinary care team;

“policies and procedures” means documents released by management that regulate the operations of the service;

“portfolio” means a document which outlines the resident’s history and interests, which will allow staff working with the resident to understand him/her as an individual;

“quality indicator” means a statement which sets out the requirements to achieve compliance with a particular Standard. The Authority may issue performance indicators to serve as

guidelines, but it is the service provider’s responsibility to ensure that the licensed service operates in line with the principles stated in the Quality Indicator;

“resident” means an older person who requires a geriatric service and enters into an agreement with a service provider for the older person to live in and make use of services offered by a care home;

“residential care home” means the provision of residential care which includes medical, functional, social, environmental, and spiritual care services for older persons who require short-term or long-term care for their well-being;

“restrictive care” means any methods, physical or chemical, used to prevent imminent harm or danger to the resident or to others. All use of restrictive care should be authorised by a medical professional and provided only by appropriately trained persons. The resident’s legally appointed representative shall also be required to consent to and to be informed of its use;

“risk assessment” means the process of evaluating the likelihood of adverse effects on residents, staff and third parties’ safety and health from hazards or the absence of beneficial influences. It is a systematic examination of all aspects of a facility or an individual’s capabilities that considers what could cause injury or harm; whether the hazards could be eliminated or otherwise, what preventive or protective measures are, or should be, in place to control the risks;

“service agreement” means a written agreement between the resident or legal appointed representative and the service provider which sets out, among other things, services to be provided, associated fees and charges, if any, and the terms and conditions and rights and responsibilities of both parties;

“service provider” means a person or organisation which provide and operate a geriatric care service. They shall hold the ultimate responsibility to ensure that all the requirements of these Regulatory Standards are met during the provision of the service, including any part of the operation that is outsourced or subcontracted;

staff” means any person working within the facility, in the employ of the service provider or by service agreement (in the case of outsourcing) and including any voluntary workers

SCHEDULE

(Regulation 2)

Standard 1: Residents’ Rights

Standard Statement:

This Standard aims to ensure that the residents' fundamental human rights to dignity and respect are safeguarded whilst preventing discrimination, promoting active participation, ensuring a holistic and dignified approach to care and respecting the residents,' relatives' and legally appointed representatives' decisions and feedback.

Quality Indicators:

1. The service provider shall assist the prospective residents, their relatives, and their legally appointed representative in taking a decision on whether the residential care home is appropriate for their needs.
2. The service provider shall ensure that the residents are treated equally with respect, dignity, and privacy.
3. The management and the staff shall support the residents to maintain existing relationships and develop new relationships.
4. The service provider shall maximise the residents' capacity to exercise personal autonomy and choice whilst considering their mental capabilities, shall ensure that their relatives and legally appointed representatives are aware of their choices, and shall ensure that the residents are given enough time when they need to take a decision.
5. The service provider shall appoint an events' coordinator and shall encourage the residents to actively take part in planning and participating in social and leisure activities.
6. The service provider shall ensure that the residents' legal rights are protected and shall ensure that the residents, their relatives, and legally appointed representatives shall be enabled to exercise their legal rights directly and participate in the civic process if they want.

7. The service provider shall ensure that residents, their families, and other significant persons close to them are provided with optimal palliative care and support, as well as promote care, sensitivity, respect, and dignity during palliative care.

Standard 2: Personal Care Plan and Portfolio

Standard Statement:

This Standard promotes rights that ensure the development, implementation, and review of a personal care plan and portfolio for each resident, to establish the holistic care and necessary support required and set objectives to meet the residents' needs and aspirations.

Quality Indicators:

1. The service provider shall ensure that the interdisciplinary care team involves each resident during the holistic needs assessment process and the comprehensive geriatric assessment upon admission and shall ensure in writing that their needs will be met in the formulation, modification and review of the personal care plan and portfolio.
2. The service provider shall ensure that the personal care plan is implemented, and its implementation is documented and communicated regularly with all stakeholders.

Standard 3: Residents' Personal Health and Medical Care

Standard Statement:

This Standard promotes rights that ensure the residents' personal health, nutrition, well-being and medical care are safeguarded and promoted. The service provider shall ensure medical coverage of the residential care home by appointing a medical doctor who would agree to offer their professional assistance whenever is required.

Quality Indicators:

1. The residents shall receive a varied, appealing, wholesome, and nutritious diet, which is suited to individually assessed and recorded requirements.
2. The service provider shall promote and safeguard the residents' physical and mental health and well-being and shall ensure access to all health care services to meet assessed needs.
3. The service provider shall support and where necessary assist the residents to obtain the prescribed medication they require in a safe manner.

Standard 4: Protection and Safeguarding**Standard Statement:**

This standard promotes rights that ensure the protection, wellbeing, and safety of the residents.

Quality Indicators:

1. The service provider shall ensure that competent persons carry out an evaluation of hazards and risks within the residential care home, including individualised risk assessments.
2. The service provider shall ensure that the health, safety and welfare of all residents and the staff are promoted and protected at all times.

3. The service provider shall ensure that the residents are protected and safeguarded from any form of harassment and abuse.
4. The service provider shall ensure that all residents and their relatives and legally appointed representatives shall be confident that their complaints shall be listened to, taken seriously, and acted upon and that they shall be treated confidentially.

Standard 5: Physical Environment

Standard Statement:

This Standard promotes rights that ensure that the environment is engaging, welcoming, familiar, pleasant, and meets the needs of the residents.

Quality Indicators:

1. The location and the layout and all the external spaces of the residential care home shall be appropriate for senior citizens.
2. The service provider shall ensure that the residential care home shall provide to all its residents accessible, safe, and comfortable indoor and outdoor communal and private facilities¹.
3. The service provider shall encourage residents to maintain the highest possible level of independence.

¹ Outdoor space refers to an open outdoor area outside the facility, with natural lighting and adaptive furnishings, canopies, and greenery, such as gardens and/or terraces. Enclosed areas such as shafts should not be considered sufficient outdoor space.

Standard 6: Service Provision

Standard Statement:

This standard promotes rights that ensure that the residents' transition to the residential care home is facilitated by receiving information prior to and upon access to the related provision of services, as well as the identification of alternative services, to meet the needs and aspirations of the residents.

Quality Indicators:

1. The service provider shall provide opportunities to residents to be in contact with the Authority and shall keep the said Authority informed whenever the residential care home is refurbished. The services at the residential care home are to be provided to meet the residents' assessed needs upon their admission and when these needs change.
2. The service provider shall make the transition for older persons to commence living in the residential care home as easy as possible and ensure that in cases of emergency or discontinuation of the service there are alternative plans for the relocation of the residents.

Standard 7: Service Quality Management

Standard Statement:

This standard promotes rights that ensure that the service provider shall be responsible to deliver quality service and support based on continuous improvement in the most respectful and transparent manner.

Quality Indicators:

1. The service provider shall ensure that the residential care home is managed by a competent person, of good character and able to fulfil his responsibilities to the full.
2. The service provider shall implement transparent recruitment strategies and plan for the continuous development of the staff and ensure that staff are appropriately, regularly, and adequately trained and supervised.

Standard 8: Legal Representation for Persons Living with Dementia**Standard Statement:**

This Standard aims to ensure that persons living with dementia residing in a residential care home for older persons who lack the capacity to make a decision have a legally appointed representative who can be involved in their care and promote their interests.

Quality Indicators:

1. The service provider for persons living with dementia in residential care homes for older persons shall ensure that each person living with dementia who lack the capacity to make a decision¹ has a legally appointed representative and that this person shall be involved in all aspects of care for the said person living with dementia

Standard 9: Residents' Personal Health and Medical Care for Persons Living with Dementia

Standard Statement:

This Standard ensures that the service provider for persons living with dementia in residential care homes for older persons has in place additional safeguards to protect the health of residents.

Quality Indicators:

1. The residents shall be supported to eat and drink in a safe manner.
2. The service provider for persons living with dementia in residential care homes for older persons shall supervise residents' health needs and ensure that they are able to access healthcare adequately and conveniently.
3. The service provider for persons living with dementia in residential care homes for older persons shall ensure that medication to manage challenging behaviour is used responsibly.

Standard 10: Physical Environment for Persons Living with Dementia

Standard Statement:

This Standard promotes rights that ensure that the environment is engaging, welcoming, familiar, pleasant and conducive towards the needs of the residents.

Quality Indicators:

1. The service provider for persons living with dementia in residential care homes for older persons shall ensure that the location and the layout of the residential care home and all its external grounds shall be appropriate for persons living with dementia.
2. The service provider for persons living with dementia in residential care homes for older persons shall ensure that adaptations are in place which allow residents to orient and navigate in their environment.

Standard 11: Service Quality Management for Persons Living with Dementia

Standard Statement:

This Standard promotes rights that ensure that the service provider for persons living with dementia in residential care homes for older persons shall be accountable for delivering quality service and support based on competency and continuous improvement.

Quality Indicators:

1. The service provider for persons living with dementia in residential care homes for older persons shall ensure that the residential care home is managed by a competent person who employs staff who are adequately trained to work with persons living with dementia.