

# Adult Day Care Facilities

GUIDE TO MINISTRY OF HEALTH REQUIREMENTS AND  
RECOMMENDATIONS

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Guide:**

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## Purpose

This Guide outlines the environmental and program requirements for operating an adult day care facility under existing legislation and recommended standards. This Guide does not include all requirements, in particular from the Department of Planning and the Bermuda Fire Service, please contact the relevant Department or agency as required for additional information. **If a specific requirement is not listed in this guidance this does not prevent an inspector from requiring such to be in place, as authorized.** Mandatory requirements are indicated by a ‘must’ or with direct reference to legislation.

## Overview

Adult day care facilities must ensure a healthy and safe environment for any person working, visiting or receiving services there. This requires approval of the space and property for use and occupancy.

All persons interested in opening an Adult Day Care Facility should have a consultation meeting with Bermuda Health Council, Long Term Care Team as their first step, prior to consulting with the Department of Planning on the planning application process.

Environmental Health Services, in collaboration with the Bermuda Health Council, is responsible for assessing and approving the proposed space/property for all new facilities, changes in ownership of

existing facilities or re-opening of a closed facility. Any substandard condition or deficiencies will require upgrading to meet minimum standards, it is strongly advised to obtain an assessment **before a financial commitment is made for buying or leasing a building.**

**This document also references the Code of Practice for Care Homes for standards and criteria that are not mandatory but highly recommended.** The Code of Practice for Care Homes will set the standard for regulation of day care facilities in the future; it is highly recommended to be aware of and implement these standards in your facility now.

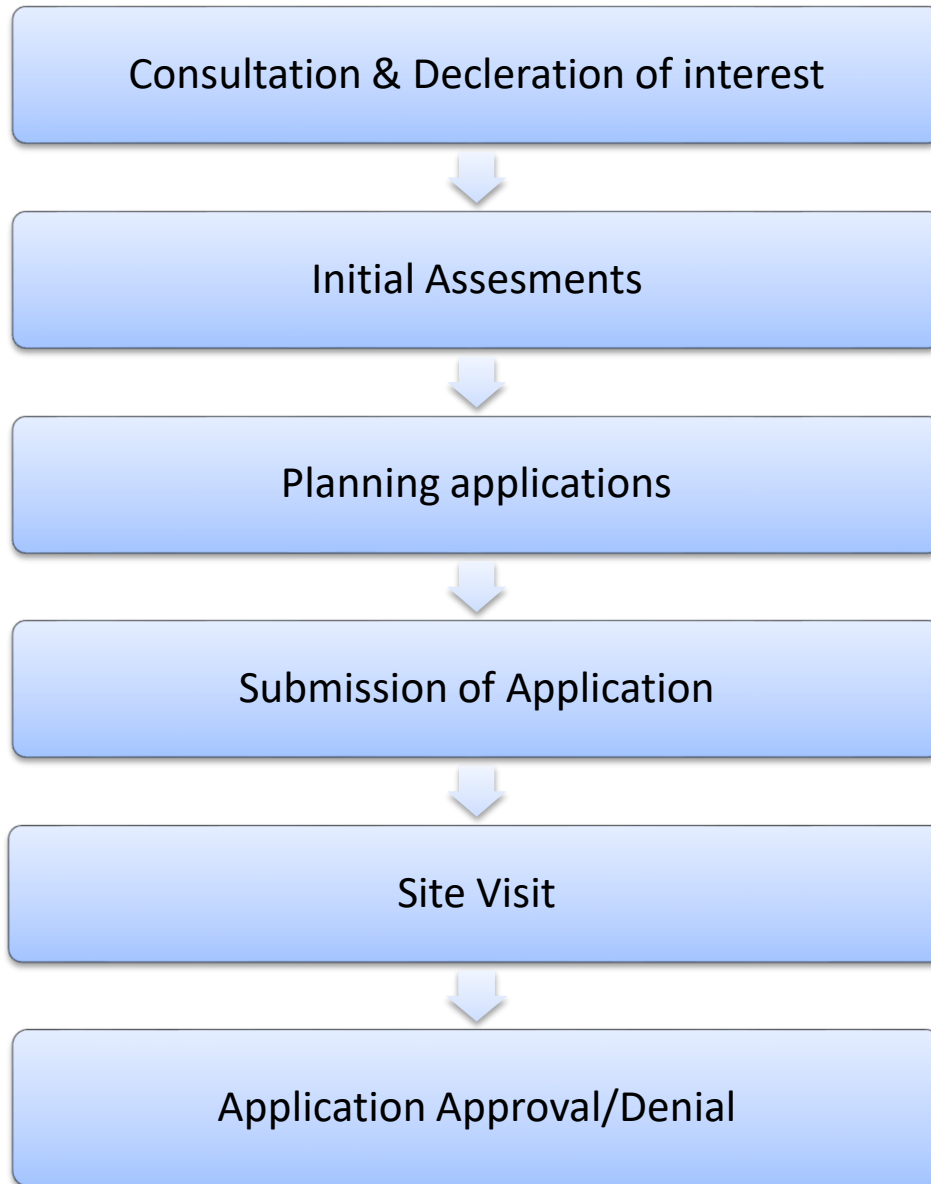
## Defining Adult Day Care

Adult day care facility means any establishment providing care services to 2 or more persons, over the age of 18, who are unrelated to the caregiver(s), for less than 24 hours per day hours.

## Legislation

- Public Health Act 1949
- Public Health (Food) Regulations 1950
- Occupational Safety & Health Act 1982, Regulations 2009 and Code of Practice 1997
- Building Act 1988
- The Bermuda Building Code 2014
- The International Building Code 2012
- The Fire Safety Act 2008
- The Pharmacy and Poisons Act 1979
- Healthcare Professional legislation (Medical Practitioners Act, Allied Health Professions Act, Nursing and Midwifery Act)
- Development and Planning Act 1974

## Licensing Process Overview



## Part A: Program Requirements

### 1. Statement of Purpose

- 1.1. A Statement of Purpose is to be submitted to the Health Council as part of the consultation and application process. The Statement of Purpose impacts the environmental and programming requirements for the facility and therefore is required before The Health Council can action required site visits.
- 1.2. The Statement of Purpose can be used for the Grounds in Support required for the Department of Planning application process.
- 1.3. The Statement of Purpose must include:
  - a. The aims and objectives of the adult day care, including their philosophy of care
  - b. The proposed use of the space with regard to the types of rooms in the facility, or proposed.
  - c. The care needs of the care recipients to be met by the provider (including level of care)
  - d. The hours of operation of the facility
  - e. The proposed number of care recipients
  - f. The proposed number, relevant qualifications and experience of the staff
  - g. The organizational structure of day care facility
  - h. The demographics of the care recipients to be admitted
  - i. Admission criteria for care recipients
  - j. Details of any specific therapeutic techniques or specialized services to be offered including food services
  - k. Access routes and parking details for the facility
  - l. Policy and procedure for:
    - Fire, disaster and emergency procedures,
    - Mandatory reporting requirements
  - m. **Highly recommended:** A list of key policies that will inform practice in the day program

### 2. Programming- Care Services and Activities

- 2.1. All services provided by regulated health care professionals (including Nursing Associates and Registered Nurses) must uphold the standards of practice by their respective regulatory authority. See <https://www.gov.bm/health-boards-councils-and-committees> to find a health care professional regulatory body and their requirements.
- 2.2. For recommended practice standards, refer to the following sections of the Code of Practice for care homes: (Note- any criteria not relevant to a day care facility has been indicated; however some of the remaining criteria may be slightly adapted to the specifics of the day care facility). Standards from the Code not listed below are included directly in the relevant sections of this guide (e.g. see 3.3)

## Bill of Rights for Persons in Care

### Quality of Life: Also see sections 3 & 4 of this Guide

Standard 1 - Dignity, independence & Rights- except criteria 1.3 and 1.4

Standard 2 - Consent and Informed Decision Making

Standard 3- Access to information

Standard 4- Service Contracts

Standard 5 - Complaints and Suggestions

Standard 9- Resident Money and Possessions –

Standard 10- Contact with family and friends

Standard 11- Nutrition, Meals and mealtime- if providing food services as part of program

Standard 12- Activities

Standard 28- Infection control and Prevention

### Quality of Care: Also see section 6 of this Guide

Standard 13 – Assessments - the LTC Assessment Tool for Care Homes should be used in day care facilities and is found under Resources at: <https://www.gov.bm/care-homes-and-adult-day-care-facilities>

Standard 14 - Care Planning

Standard 15 - Health and Personal Care Services- except 15.7, 15.8 and 15.9

## 3. Management and Staffing

- 3.1. Health care professionals must provide care within their scope of practice found at <https://www.gov.bm/health-boards-councils-and-committees>
- 3.2. For Registered Nurses and Nursing Associates go to <https://bnc.bm/>
- 3.3. No person convicted of senior abuse is eligible to be employed in the care of seniors or the management of a business providing care to seniors. (s.9, Senior Abuse Register Act 2008).
- 3.4. The Code of Practice for Care Homes provides detailed standards and criteria for staffing that will assist a facility in upholding the above two requirements. The below standards are highly recommended and all of their supporting criteria are applicable to day care facilities, excluding the night care considerations:
  - Standard 19(I) Minimum Staffing Levels
  - Standard 19(II) Roles and Responsibilities
  - Standard 19(III) Training and Supervision
  - Standard 19(IV) Staff Records
- 3.4 The Code of Practice for Care Homes provides the following Standards for Quality of Management that are highly recommended and relevant to a day care facility. Some of the Code's specific criteria overlaps with mandatory requirements in this guide:
  - Standard 23: Financial Management
  - Standard 24: Record Management
  - Standard 25: Policies and Procedures

## 4. Mandatory Reporting

- 4.1. Any suspected, known or reported abuse of a senior must be reported to Ageing and Disability Services (ADS) by the appropriate staff member at the day care.
  - a. Senior Abuse Reporting Forms are located at: <https://www.gov.bm/senior-abuse-reporting-and-investigation>
  - b. Inappropriate restraint, including chemical restraint, is a form of physical and/or psychological abuse.
  - c. For additional information and recommendations on protection from abuse, appropriate restraint use, and managing challenging behaviors the following Standards and criteria pertain to day care facility:
    - Standard 6 - Protection from Abuse
    - Standard 7- Managing Challenging Behaviors
    - Standard 8 - Restraints
- 4.2. Communicable diseases must be reported to the Office of the Chief Medical Officer in accordance with their reporting policy. <https://www.gov.bm/health-data-and-monitoring>
  - a. Food Handlers should report any diarrhea or vomiting to their manager immediately and should either stay at home or go home straight away.
  - b. Staff who have had diarrhea or vomiting should not return to work until they have had no symptoms for 48 hours.
- 4.3. Accident Reporting and Review:
  - a. Within 24hrs the facility must notify the Safety & Health Officer at Environmental Health Services.
  - b. Within 7 Days the facility is to perform an investigation of the accident or Dangerous Occurrence; fill in **Form OSH1 or Form 006** and send the completed form to the Occupational Safety & Health Office.
  - c. Health and Safety Committees or Representatives are obligated to review and address incidents occurring the work place.
  - d. Annual Accident Report form must be submitted to the Occupational Safety & Health Office by 1<sup>st</sup> April every year.
  - e. For required forms see Resources at <https://www.gov.bm/occupational-safety-and-health>
- 4.4. An incident book must be maintained of all accidents, dangerous occurrences and near misses that occur in the facility. The minimum information to include in any record is:
  - a. Date of Incident,
  - b. Name of the affected person(s)
  - c. Sex, Age, Occupation
  - d. Nature of injury or occurrence
  - e. Action taken with the affected person(s)
  - f. Place and location where the Incident took place
  - g. Brief description of the incident
  - h. Corrective actions taken
  - i. Time off work, if any
- 4.5. All employees must report any hazard found in the facility to the employer without delay.



- 4.6. For recommendations on reviewing incidents and accidents, relevant to a day care facility, refer to Standard 21: Quality and Risk Assessment and all its supporting criteria in the Code of Practice for Care Homes.

## 5. Smoking

- 5.1. No smoking is allowed inside or on the property of an adult day care facility. For additional information and the Tobacco Control Act 2005 see Resources at <https://www.gov.bm/occupational-safety-and-health>

## 6. Medication

- 6.1. Medications must be safely and securely stored and disposed of in accordance with the manufacturer's instructions and the Pharmacy and Poisons Act 1979, Regulations and Misuse of Drugs Act 1972 and Regulations. This includes but is not limited to:
- a. Controlled drugs are stored in a locked cabinet with required records.
  - b. Consultation with pharmacist occurs to ensure proper disposal.
  - c. All medications must be disposed of properly when they are:
    - Expired
    - Showing signs of deterioration
    - No longer required by a resident or resident is no longer at the care home
    - Recalled by the drug manufacturer or regulatory authority
- 6.2. Medication preparation and administration must uphold scopes and standards of practice for health care professionals. This includes (but is not limited to):
- a. A Registered Nurse, or pharmacist, is responsible to prepare all medication for care recipients requiring assistance in accordance with this Standard.
  - b. A Nursing Associate may, in accordance with their regulated scope of practice:
    - Assist a care recipient with taking their oral medication when pre-loaded by a doctor, RN or pharmacist;
    - Apply creams and lotions to intact skin.
  - c. Any medication to be administered via injection, feeding tube, or rectally must be administered by a Registered Nurse.
- 6.3. For additional criteria for appropriate medication management, record keeping and administration see Standard 16 in the Code of Practice for Care Homes; all criteria, except 16.7, are applicable to a day care facility.

## Part B: Facility Design

### 7. General Design

7.1. Adult Day Facilities fall under one of two classifications:

**Institutional (I) 4-** a facility that provides accommodations for 5 or more people for less than 24hours per day and provides supervision and personal care.

**Residential (I) 3-** a facility that provides accommodations for fewer than 5 persons for less than 24hours per day and provides supervision and personal care; AND all clients are able to respond to an emergency with no assistance from staff.

**Unless otherwise specified, the requirements provided in this Guide are for Institutional (I) (4) classifications.**

7.2. The design of the adult day care facility must ensure an efficient, safe and effective space for staff and clients. Table 1 outlines the primary minimum requirements reviewed by Ageing and Disability Services and Environmental Health Services.

a. Accessibility requirements for these spaces are outlined under section 8.

7.3. The Department of Planning has additional considerations including zoning and policy requirements found in the Draft Bermuda Plan 2018 and City of Hamilton Plan 2015.

**Table 1:**

|                                       |  |
|---------------------------------------|--|
| a. Kitchen                            | All facilities must ensure they have sufficient space and equipment for appropriate food storage, preparation, heating and serving capacity and will be assessed for such.<br><br>A commercial kitchen is required for facilities that provide food services as part of their program (i.e. they prepare food on site for clients opposed to clients bringing their own food). |
| b. Staff bathrooms                    | 1 per 15 staff<br>Where the number of mixed sex employees exceeds 10, separate male and female facilities are required. For specific design requirements see OSH Regulations s.127-133; and International Building Code 2012   |
| c. Care recipient bathroom            | 1 per 15   |
| d. Care recipient shower              | 1 per 15   |
| e. Staff work space                   | Administrative space<br>Staff locker room  |
| f. Private space (highly recommended) | A room separate from the program space where care recipients can go if ill, distressed, or requiring a change of clothing. Also where private conversation can take place with care recipient or their relevant person   |
| g. Program space                      | Sufficient space for the day care program.<br>Minimum 35feet square, per care recipient  |
| h. Storage space                      | Program materials<br>Medical supplies<br>Hazardous materials   |
| i. Site Access                        | Adequate vehicle access to main road including emergency vehicles.<br>Sufficient parking for staff, care recipients and visitors   |

## 8. Accessible Design

The facility must comply with accessibility requirements outlined in the International Building Code (IBC) and International Code Council (ICC):

|                               |   |   |
|-------------------------------|---|---|
| Accessible routes:            | <ul style="list-style-type: none"> <li>• External from parking to building</li> <li>• Entrances – 60% must be accessible</li> <li>• Hallways used by care recipients</li> <li>• Elevators/lifting devices in multi-story buildings with upper floors accessed by care recipients</li> <li>• Floor surfaces</li> <li>• Turning space</li> <li>• Changes in Level</li> <li>• Doors and doorways</li> <li>• Ramps</li> </ul> | IBC 1104.1,1104.3,1104.5, 1105.1-7<br>ICC A117.1-2009 Chapter 4<br>ICC A117.1-2009 Chapter 5<br><br>ICC A117.1-2009 Chapter 3 |
| Accessible Bathrooms          | <ul style="list-style-type: none"> <li>• Toilets (WC &amp; Lavatory)</li> <li>• Showers</li> </ul>  | IBC 1109.2<br>ICC A117.1-2009 Chapter 6   |
| Accessible day program space: | Rest area<br>Program space- 35sq feet per person  | IC 1004.1   |

## 9. Bathrooms

- 9.1. Bathrooms must be accessible for clients with limited mobility and mobility devices in accordance with Americans with Disabilities Act standards, as authorized by the Bermuda Building Code and International Building Code.
- 9.2. No bathroom can open directly into any room where food is stored, prepared, served or displayed.
  - a. See the Bermuda Building Code for specific requirements
  - b. See [Procedures for Opening a New or Remodeled Food Establishment](#) for additional requirements for facilities providing food services.

## 10. Kitchens

- 10.1. Facilities that provide meals for their clients as part of the program must comply with the commercial kitchen requirements. See Environmental Health's [Procedures for Opening a New or Remodeled Food Establishment](#).

### For non-commercial kitchens-

- 10.2. All facilities must have the capacity to appropriately store and heat food that clients bring from home. This requires at a minimum adequate refrigeration and freezer storage to accommodate service volume is required which includes:
  - a. Overloading of refrigerators is not allowed, so consider all cooling, pre-chilling and thawing processes.
  - b. Shelving must be non- corrosive and allow adequate separation of raw meats, seafood and poultry from other foods.
  - c. Units must be able to maintain temperature at 40°F or below.

- 10.3. There must be separate sinks used for hand washing, food preparation and housekeeping.
- 10.4. Food preparation should be located away from dirty areas such as pot washing.
- 10.5. Bare wood is not an acceptable finish for any equipment in food preparation areas. Counters should be smooth and impervious with a durable easily cleanable material

## 11. Furnishings and Equipment

- 11.1. The facility should ensure appropriate furniture is in place for the needs of the care recipients. This includes:
  - a. Chairs with appropriate reclining mechanisms in case care recipients become ill/need to recline.
  - b. Table and chair heights for easy sitting and standing
  - c. Chairs with armrests and firm seats
  - d. No tripping hazards (e.g. scatter rugs)
  - e. No caster or rolling furniture unless it locks
  - f. Dementia friendly design- see 26.1(c) of the Code of Practice for Care Homes
  - g. Lifts and hoists as required based on the care needs of the clients.
  - h. Safety and walking aides for unexpected changes in client's needs.
- 11.2. Adequate staff supplies, protective clothing and equipment suitable for their responsibilities and to prevent risk of harm or injury to themselves or others must be in place. This includes but it not limited to the following being readily accessible:
  - a. Personal Protective Equipment (PPE) (e.g. gloves, gowns, masks)
  - b. Supplies for safe injection practices (e.g. single use lancets, sharps containers)
  - c. First Aid supplies
- 11.3. Fire Safety equipment must be in place and maintained as required under the Fire Safety Act.
- 11.4. Staff must be appropriately trained for all equipment use and equipment maintained in accordance with manufacturer requirements.
- 11.5. For equipment recommendations see criteria 27.5 of the Code of Practice for Care Homes.

## 12. Lighting and Ventilation

- 12.1. Sufficient lighting, must be in place throughout the day care facility.
  - a. See s.102-105 of Occupation Safety and Health Regulations for mandatory requirements
  - b. Criteria 26.3 of the Care Home Code of Practice (a, d and e) provides additional guidance.
  - c. For commercial kitchen requirements see: [Procedures for Opening a New or Remodeled Food Establishment.](#)
- 12.2. An adequate supply of clean air must be provided and maintained in the facility. For specific standards see:
  - a. s.107-109 of the Occupational Health and Safety Regulations
  - b. The International Mechanical Code 2014 for kitchens and bathrooms.
- 12.3. All windows and doors must be screened to prevent the entrance of insects.

## 13. Water

- 13.1. A sufficient water source is required that meets Environmental Health bacteriological and chemical testing standards.
  - a. Continuous disinfection for water tanks via an approved method (e.g. ultraviolet light/filtration) is highly recommended.
- 13.2. Roof catchment coatings must be approved for potable water collection.
- 13.3. Well water is only used for non- potable purposes such as flushing and laundering.
- 13.4. No cross connections are permitted between the potable supply and well water supply.
- 13.5. Water heaters must be suitably sized to provide a sufficient supply of hot water at all times to the facility.
  - a. Hot water in bathrooms must be between 95 and 109 degrees Fahrenheit.
  - b. Commercial kitchens must have water temperature for dishwashing of 180 degrees Fahrenheit unless a chemical sanitizer is in use. This is highly recommended for facilities without food services.

## 14. Sewage

- 14.1. Plans for Adult Day Care facilities located in the City of Hamilton or St. George's are submitted to the respective municipal authorities for approval to connect to their sewer systems.
- 14.2. Cesspits or septic tank systems must be of sufficient capacity for the projected wastewater flows.
  - a. Storm water and sewage disposal boreholes require permits obtained from the Department of Environmental and Natural Resources.
- 14.3. Clear water waste such as air conditioning condensate water shall be piped to a waste disposal system or soak-away on the property (see "Plumbing Systems" below). No wastewater shall discharge onto the sidewalk, roadside or onto any adjacent property.
- 14.4. All kitchens that provide food services as part of their program must comply with Public Health (Fats, Oils and Grease Removal) Regulations 2017. Grease interceptors may be required depending on the nature of the service to prevent grease from entering sewers and cesspits if food services are provided. They must be properly sized for the wastewater flow.

## 15. Plumbing

- 15.1. Plumbing installations must meet the requirements of the Plumbing and Drainage Regulations 1950 and the Bermuda Building Code and the International Plumbing Code. Refer to these Code for all specifics.
- 15.2. For more detailed information for day care facilities providing food services, refer to [Procedures for Opening a New or Remodeled Food Establishment](#).

## 16. Other

- 16.1. Flooring must be appropriate and safe for use. In general this includes:
- a. Non-slip and low glare flooring required, but the finish must be smooth enough to prevent the retention of dirt.
  - b. The finish must be able to resist damage caused by the use of cleaning chemicals and the constant movement of equipment, persons and supplies.
- 16.2. Adequate storage space is required for the following:
- a. **Chemicals and Hazardous materials**
    - Sufficient space required so that all chemicals can be stored separate from the food and food ingredients.
    - Chemicals must be kept secure to prevent access by clients.
    - An inventory of hazardous substances is maintained, documentation and training for correct handling and usage in place.
  - b. **Employee Storage (dressing/locker room)**
    - Provisions shall be made for a room with storage of employee personal belongings and space to change clothing.
  - c. **Equipment**
    - Sufficient storage for equipment and program materials is required to ensure the space maintains accessibility and fire safety requirements.
  - d. **Garbage and recycling:**
    - Storage bins must adequately contain the volume and type of garbage and recyclable matter on the premises;
    - Storage must enclose the garbage or recyclable matter, if this is necessary to keep pests and animals away from it; and
    - Storage must be designed and constructed so that they may be easily and effectively cleaned.
    - Garbage storage should be a minimum of 10feet back from any lot line and screened from any adjacent developments and roadways.
- 16.3. Hazardous waste disposal including medications and sharps must be done in accordance with requirements issued by the Department of Health or Office of the Chief Medical Officer.
- 16.4. Site access requirements (item i. in Table 1) are detailed further in the Bermuda Building Code and Department of Planning policies.

## Contact Information

| Agency                             | Topic   | Contact Information  |
|------------------------------------|---|--|
| Bermuda Health Council             | Regulatory oversight/Adult Day Care Facilities      | Sterling House<br>3 <sup>rd</sup> Floor, 16 Wesley St.<br>Hamilton HM11<br>292-6420  |
|                                    | consultation  | <a href="mailto:registrations@bhec.bm">registrations@bhec.bm</a>   |
| Ageing and Disability Services     | Accessibility Consultation                          | 25 Church St. Hamilton<br>292-7802; <a href="mailto:ads@gov.bm">ads@gov.bm</a><br><a href="https://www.gov.bm/accessibility-consultation">https://www.gov.bm/accessibility-consultation</a>  |
|                                    | Senior Abuse Reporting                              | 25 Church St. Hamilton<br>292-7802; <a href="mailto:ads@gov.bm">ads@gov.bm</a><br><a href="https://www.gov.bm/senior-abuse-reporting-and-investigation">https://www.gov.bm/senior-abuse-reporting-and-investigation</a>  |
| Dept. of Health                    | Environmental Health                                | 278-5333<br><a href="mailto:envhealth@gov.bm">envhealth@gov.bm</a>   |
|                                    | Community Rehabilitation                            | Hamilton Health Center, 67 Victoria St.<br>278- 6427   |
| Epidemiology and Surveillance Unit | Nutrition Services                                  | 278-6467, 278-6468, 278-6469<br><a href="mailto:nutrition@gov.bm">nutrition@gov.bm</a>   |
|                                    | Occupational Safety & Health                        | 278-5333<br><a href="mailto:osho@gov.bm">osho@gov.bm</a>   |
|                                    | Infection Control and Prevention                    | 25 Church St. Hamilton<br>278- 4900<br><a href="mailto:Officeofcmo@gov.bm">Officeofcmo@gov.bm</a>  |
| Bermuda Fire and Rescue Services   | Fire Safety Standards and certification             | 49 King Street, Hamilton<br>292- 5555  |
| Bermuda Nursing Council            | Nursing Associate and Registered Nurse registration | 25 Church St. Hamilton, HM12<br>292-0774<br><a href="mailto:bermudanursingcouncil@gov.bm">bermudanursingcouncil@gov.bm</a><br><a href="http://www.bnc.bm">www.bnc.bm</a><br><a href="http://www.gov.bm/nursing">www.gov.bm/nursing</a>   |
| Department of Planning             | Planning and Building Applications and Permits      | Development Management/Enforcement: 297-7810<br>Building Control: 297-7755<br>Forward Planning: 297-7778<br>Building Inspection Requests 24-Hr. Line: 297-7828<br>Draft Bermuda Plan 2018: 294-9033<br><a href="https://www.gov.bm/department/planning">https://www.gov.bm/department/planning</a><br><a href="mailto:planning2@gov.bm">planning2@gov.bm</a> |

