

Summary Record of Regulatory, Legal and Other Interaction by the Health Information and Quality Authority with Creevelea House Nursing Home (09 March – 04 July 2011)

| Date | Interaction |
|--------------------------------------|---|
| 09 March 2011 | Preliminary screening of residents' health status by Health Service Executive with the consent of the registered provider. |
| 10 March 2011 | Health Service Executive agreed to put in place interventions to mitigate the risk to the identified residents and monitor the centre. |
| 14 March 2011 | Notices of Proposal to Refuse and Cancel the Registration of Creevelea House Nursing Home issued pursuant to Sections 50(1), 51(1)(a) and Sections 53(a) and (c) of the Health Act 2007 as amended. |
| 16 March 2011 | Application served on registered provider pursuant to Section 59 of the Health Act 2007 for immediate cancellation of registration due to serious risk to the health or welfare of the persons resident in the Nursing Home due to the failure to act and the negligence of the registered provider. |
| 15 April 2011 | Notices of Decision to Refuse and Cancel Registration of Creevelea House Nursing Home issued pursuant to Sections 50(1), 51(1)(a), 55(1)(a) and section 55(1)(c) of the Health Act 2007 as amended. |
| 18 April 2011* | Initial Court hearing of application to cancel and refuse registration of Creevelea House Nursing Home. |
| 03 May 2011 & 11 May 2011 | Announced inspection of Creevelea House Nursing home to verify the provider's progress in relation to undertakings given to the District Court in Drogheda on 18 April 2011 and to verify progress in relation to actions required following the inspection of the centre by the Authority in 07 and 08 March 2011. |
| 06 May 2011 | Notices of Appeal served on the Authority by Creevelea House Limited. |
| 17 May 2011 | Case mentioned in Drogheda District Court. Court set a special hearing date of 20 June 2011 with the registered provider's undertakings to the Court to continue until that date. |
| 20 June 2011 | Hearing of application pursuant to Section 59 of the Health Act 2007 for cancellation of registration due to serious risk to the health or welfare of the persons resident in the Nursing Home due to the failure to act and/or the negligence of the registered provider. Adjourned after first day's hearing to 4 July 2011 on the continued undertakings of the registered provider. |
| 04 July 2011** | Judge Flannan Brennan at a sitting of Drogheda District Court ordered that the registration of Creevelea House Limited as the registered provider of Creevelea House Nursing Home, Laytown, County Meath, as a designated centre under Part 8 of the Health Act 2007 be cancelled as and from 1.00pm on the 4th day of July 2011. The Order was made with the consent of the registered provider. |

Between 10 March and 04 July 2011 the centre was monitored on a daily basis by the HSE and the Authority to ensure the care and welfare of residents during court proceedings.

*** 18 April 2011**

Pursuant to sections 59 and 64 of the Health Act 2007, on 18 April 2011 the Authority made an application to the District Court sitting in Drogheda, Co Louth for the immediate cancellation of registration due to serious risks to the health and welfare of the persons resident in the nursing home due to the failure to act and/or the negligence of the registered provider.

On the basis that the registered provider gave several, detailed undertakings to the Court in relation to the Nursing Home, the District Court adjourned the matter to 17 May 2011.

**** 04 July 2011**

Pursuant to sections 59 and 64 of the Health Act 2007, an Order was made on consent by the District Court, Drogheda, Co Louth on 04 July 2011 cancelling the registration of Creevelea House Nursing Home, as a designated centre under Part 8 of the Health Act 2007, with effect from 1.00pm on 04 July 2011.

In accordance with Section 64 of the Health Act 2007, the Health Service Executive was directed to take charge of Creevelea House Nursing Home from such time and to make alternative arrangements for the residents of Creevelea House Nursing Home as soon as practicable.

It was ordered that:

1. The registration of Creevelea House Limited as the registered provider of Creevelea House Nursing Home, Laytown, County Meath, as a designated centre under Part 8 of the Health Act 2007 be cancelled as and from 1.00pm on the 4th day of July 2011.
2. Pursuant to Section 64 of the Health Act 2007, the Health Service Executive be directed to make alternative arrangements for the residents of Creevelea House Nursing Home, Laytown, County Meath as soon as is practicable.
3. Pursuant to Section 64 of the Health Act, 2007 the Health Service Executive, be directed, pending and until the making of the alternative arrangements by it, to take charge of Creevelea House Nursing Home, Laytown, County Meath as and from 1.00pm on the 4th day of July 2011 as if Creevelea House Nursing Home, Laytown, County Meath was registered under the Health Act 2007 with the Health Service Executive as its registered provider and that the Health Service Executive be given liberty to move residents to alternative designated centres.
4. The Respondent, Creevelea House Limited, as the current registered provider be directed to cooperate fully with the Health Service Executive and its personnel and in particular to allow the Health Service Executive to take charge of the designated centre and to assist and facilitate the Health Service Executive in operating the designated centre, to include the Respondent continuing to provide staff and facilities at the designated centre, and to release all records (including medical records) of Creevelea House Nursing Home and its residents to the Health Service Executive for the duration of the Health Service Executive being in charge and until the finalisation of all alternative arrangements to be made by the Health Service Executive, but for the avoidance of any doubt upon the clear understanding of the parties that this direction shall not give rise to a transfer of undertaking to the Health Service Executive within the meaning of EC (Protection of Employees on Transfer of Undertakings) Regulations 2003 and that the Health Service Executive shall assume no obligations as employer of any staff of the Respondent.

5. In the event of non compliance by the Respondent as aforesaid and/or in the event of the Health Service Executive requiring direction on any matter from the Court, the Health Service Executive shall be at liberty to apply to the Court for directions from the Court provided notice of any such application shall be provided to the Applicant and to the Respondent.

6. The Applicant be given liberty to notify the public at large of the making of this Order by inter alia, publication of the notice of same upon the website of the Applicant.

This Order was made with the consent of Creevelea House Limited, the registered provider.