OFFERYNNAU STATUDOL CYMRU

2009 Rhif 3258 (Cy.285)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) (Diwygio) 2009

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio rheoliad 24 (Ffitrwydd y safleoedd) o Reoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) 2002 drwy fewnosod rheoliad 24 (1A) newydd.

Diwygir y Rheoliadau er mwyn gosod terfyn ar y nifer o welyau y caiff ysbyty annibynnol eu darparu pan fo triniaeth a nyrsio tymor hir yn cael eu darparu i bersonau gydag anabledd dysgu, yn ogystal â rhai sydd ag afiechyd meddwl.

Mae hefyd yn ofynnol nad oes unrhyw ysbyty annibynnol arall wedi ei leoli yn agos iawn i ysbyty annibynnol arall yn y fath fodd ag y gellid ei ystyried yn luosogiad o'r ysbyty annibynnol gwreiddiol, ac y byddai felly yn effeithio ar y rhesymeg a'r bwriad o gyfyngu ar y nifer o gleifion mewn ysbytai annibynnol yn ôl darpariaeth y rheoliadau hyn.

Bydd darpariaethau trosiannol yn gymwys ar gyfer dyfodiad y Rheoliadau hyn i rym.

WELSH STATUTORY INSTRUMENTS

2009 No. 3258 (W.285)

PUBLIC HEALTH, WALES

The Private and Voluntary Health Care (Wales) (Amendment) Regulations 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulation 24 (Fitness of premises) of the Private and Voluntary Health Care (Wales) Regulations 2002 by inserting a new regulation 24 (1A).

The Regulations are amended in order to place a limit on the number of beds an independent hospital may provide where long term treatment and nursing is provided for persons with a learning disability, and those with a mental illness.

There is also a requirement that no other independent hospital should be located in close proximity to another independent hospital in such a way as it might be considered a multiple of the original independent hospital, and therefore might affect the rationale and purpose of restricting the number of patients in independent hospitals as provided in these regulations.

Transitional provisions will apply for the coming into force of these Regulations.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 3258 (Cy.285)

IECHYD Y CYHOEDD, CYMRU

Rheoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) (Diwygio) 2009

Gwnaed Tachwedd	*8 Rhagfyr 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*10 Rhagfyr 2009*
Yn dod i rym	*1 Chwefror 2010*

Mae Gweinidogion Cymru, wrth arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 22(1), 22(2)(c), 22(2)(d), 22(5)(a) ac 118A o Ddeddf Safonau Gofal 2000(**1**) ac a freiniwyd bellach ynddynt hwy(**2**) yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) (Diwygio) 2009 a deuant i rym ar 1 Chwefror 2010.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

Diwygio Rheoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) 2002(3)

2.–(1) Diwygir Rheoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) 2002 fel a ganlyn:–

(2) Ar ôl rheoliad 24(1) mewnosoder rheoliad 24(1A) newydd fel a ganlyn:–

"**24(1A)** Rhaid i'r person cofrestredig sicrhau–

(a) nad yw ysbyty annibynnol sy'n darparu triniaeth a nyrsio i gleifion ag anabledd dysgu, y rhagwelir y bydd eu triniaeth a nyrsio yn ymestyn y tu hwnt i gyfnod o

(**1**) 2000 p.14

(**2**) Yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(**3**) 2002/325 (Cy.35).

WELSH STATUTORY INSTRUMENTS

2009 No. 3258 (W.285)

PUBLIC HEALTH, WALES

The Private and Voluntary Health Care (Wales) (Amendment) Regulations 2009

Made	*8 December 2009*
Laid before the National Assembly for Wales	*10 December 2009*
Coming into force	*1 February 2010*

The Welsh Ministers, in exercise of the powers conferred on the National Assembly for Wales by sections 22(1), 22(2)(c), 22(2)(d), 22(5)(a) and 118A of the Care Standards Act 2000(**1**) and now vested in them(**2**) make the following Regulations:

Title, commencement and application

1.–(1) The title of these Regulations is the Private and Voluntary Health Care (Wales) (Amendment) Regulations 2009 and they come into force on 1 February 2010.

(2) These Regulations apply in relation to Wales.

Amendment to the Private and Voluntary Health Care (Wales) Regulations 2002(3)

2.–(1) The Private and Voluntary Health Care (Wales) Regulations 2002 are amended as follows:–

(2) After regulation 24(1) insert new regulation 24(1A) as follows:–

"**24(1A)**.–(1) The registered person shall ensure that–

(a) an independent hospital, providing treatment and nursing for patients with a learning disability, whose treatment and nursing is anticipated to extend beyond a

(**1**) 2000 c.14.

(**2**) By virtue of paragraph 30 of Schedule 11 of the Government of Wales Act 2006.

(**3**) 2002/325 (W.35).

12 mis, ac y darperir llety dros nos iddynt yn y sefydliad hwnnw, yn fwy na 10 o welyau, ac os yw'n rhesymol ymarferol, fe'u darperir mewn dwy neu fwy o unedau.

(b) nad yw ysbyty annibynnol sy'n darparu triniaeth a nyrsio i gleifion ag afiechyd meddwl (gan gynnwys y rheiny mewn llety diogel o lefel isel neu ganolig) ac hefyd i gleifion ag anabledd dysgu, y rhagwelir y bydd eu triniaeth a nyrsio yn ymestyn y tu hwnt i gyfnod o 12 mis, ac y darperir llety dros nos iddynt yn fwy na 15 o welyau, ac os yw'n rhesymol ymarferol, fe'u darperir mewn dwy neu fwy o unedau.

(c) na fydd ysbyty annibynnol arall wedi ei leoli yn agos iawn at ysbyty annibynnol o'r math ag a grybwyllir yn is-baragraffau (a) neu (b) yn y fath fodd ag y gellid ei ystyried yn luosogiad o'r ysbyty annibynnol, ac y byddai felly yn effeithio ar resymeg a bwriad y cyfyngiadau ar y nifer o gleifion mewn ysbytai annibynnol yn ôl darpariaeth y rheoliad hwn.

12-month period, and for whom overnight accommodation is provided must not exceed 10 beds, and where reasonably practicable, provided in two or more units.

(b) an independent hospital, providing treatment and nursing for patients with a mental illness (including those in low and medium secure accommodation) and also for patients with a learning disability, whose treatment and nursing is anticipated to extend beyond a 12-month period, and for whom overnight accommodation is provided, must not exceed 15 beds, and where reasonably practicable, provided in two or more units.

(c) no other independent hospital shall be located in close proximity to an independent hospital of the type mentioned in sub-paragraphs (a) or (b) in such a way as it might be considered a multiple of the original independent hospital, and therefore might affect the rationale and purpose of restrictions on the number of patients in independent hospitals as provided in this regulation.

Darpariaethau Trosiannol

3.–(1) Mae'r rheoliad hwn yn gymwys i bob cais newydd gan ysbytai annibynnol i gofrestru ysbyty annibynnol, neu i amrywio cofrestriad ysbyty annibynnol gyda Gweinidogion Cymru sy'n cael ei wneud ar 1 Chwefror 2010 neu wedi hynny.

(2) Ni fydd angen i geisiadau a wneir cyn 1 Chwefror 2010, y gall Gweinidogion Cymru yn rhesymol benderfynu arnynt erbyn 1 Mai 2010, fodloni gofynion y rheoliadau hyn.

(3) Bydd yn rhaid i unrhyw geisiadau a wneir cyn 1 Chwefror 2010 na all Gweinidogion Cymru yn rhesymol benderfynu arnynt erbyn 1 Mai 2010 fodloni gofynion y Rheoliadau hyn.

Transitional Provisions

3.–(1) This regulation applies to all new applications to register or vary an existing registration of an independent hospital with the Welsh Ministers which are made on or after 1 February 2010.

(2) Applications made prior to 1 February 2010, which can reasonably be determined by the Welsh Ministers by 1 May 2010 will not need to meet the requirements of these Regulations.

(3) Applications made prior to 1 February 2010, which cannot reasonably be determined by the Welsh Ministers by 1 May 2010 will need to meet the requirements of these Regulations.

Edwina Hart

Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, un o Weinidogion Cymru

Minister for Health and Social Services, one of the Welsh Ministers

8 Rhagfyr 2009

8 December 2009

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IECHYD Y CYHOEDD, CYMRU

Rheoliadau Gofal Iechyd Preifat a Gwirfoddol (Cymru) (Diwygio) 2009

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