

Entire legislation for professional rules and rules of practice for services of caregiving, as amended on 19/02/2016

Full title

Ordinance of the Federal Minister of Science, Research and Economy on professional rules and rules of practice for the services of caregiving,
original version: Federal Law Gazette II No. 278/2007

Amendment:

Federal Law Gazette II No. 396/2015

Preamble / promulgation clause

Based on Article 69, Par. 2 of the Trade Regulations 1994 (GewO 1994), Federal Law Gazette No. 194 as last amended by Federal Law Gazette I No. 161/2006, the following is decreed in agreement with the Federal Minister for Labour, Social Affairs and Consumer Protection:

Text

Rules of Practice

Article 1 (1) Business owners who exercise the trade of caregiving have to keep in mind the well-being of the dependants and they may not misuse their professional position for their own benefit such as an unsolicited brokerage or an unsolicited conclusion of agreements. In particular, it is prohibited to accept services without equivalent return.

(2) When purchasing goods for dependants, the business owners as mentioned in Par. 1 have to act following the principles of providence, economic efficiency and expediency.

(3) Meeting private individuals for the purpose of collecting orders to render the services of caregiving is only permitted if the person explicitly requests the authorized businessperson to do so. Order acceptance of such services is only permitted on the business premises or on the occasion of the meeting mentioned in the previous sentence.

(4) The services provided shall be documented in an adequate way and at regular intervals to subsequently make the documentation available to both contracting parties as well as to the health professionals taking care of the person in need of care for treatments.

Article 2 (1) The business owners mentioned in Article 1, Par. 1 shall conclude a written contract about the services of caregiving and inform the interested parties upon request in written about all essential aspects, in particular about the admissible services and the costs for such services. They shall include in advertising materials where such items of information can be requested.

(2) A copy of the contract for caregiving services as mentioned in Par. 1 shall be handed over to the contracting party and shall include the following minimum content:

1. Names (company name) and addresses of the contracting parties,
2. beginning and duration of the contractual relationship,
3. service details,
4. specification of lines of action as given in Article 160 Par. 2 (1) of the Trade Regulations 1994 (GewO) as amended,
5. stipulations whether there shall be a substitute in the event of an impediment and if so, name and address of the substitutes,
6. compensations to be paid and due date, whereby it shall be clearly indicated that the owner of the license has to declare and pay all taxes and contributions and

7. provisions about termination of the contract, whereby this has to include that the contract shall revoke in case of death of the dependant and the person entitled to exercise the trade of caregiving has to reimburse the pro rata amount of the remuneration paid in advance and that the contract may be terminated by either party to the contract with a two-week period of notice to the end of each calendar month.

(3) The individual parts of the content shall be described in a simple and clear, yet detailed and exact manner.

Professional rules

Article 3 Business persons as mentioned in Article 1, Par. 1 have to exercise their profession conscientiously and with due diligence. They are obliged to refrain from any professional misconduct.

Article 4 Professional misconduct is any behaviour in business with clients or the dependant which might damage the reputation or interests of the profession and infringe personal rights of the dependant including his or her economic interests. Such professional misconduct exists in particular where caregivers

1. caregivers do offer other services than the ones that reflect the truth or
2. provide services without a prior order or
3. receive payments without being entitled to do so or
4. arbitrarily withhold objects entrusted to their care or
5. recommend persons who are not appropriate for providing care.

Article 6 (1) This ordinance enters into force on 15 October, 2007.

(2) Article 1, Par. 1 as amended in the ordinance of Fed. Law Gazette II No. 396/2015 enters into force when the Ordinance of the Federal Minister of Science, Research and Economy on professional rules and rules of practice of caregiving, Fed. Law Gazette II No. 396/2015 (*Note: correct: Fed. Law Gazette II No. 397/2015*) becomes effective; at the same time Article 5 becomes ineffective.